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ABSTRACT

This comprehensive manual is intended to assist Ohio school districts with model policies and procedures which, when followed, will ensure compliance with the Individuals with Disabilities Education Act (IDEA) and corresponding federal and state regulations. Each of seven sections focuses on one specific topic. Within each section the applicable federal statute and/or regulation is quoted, applicable state rules are cited, procedures are specified, required and optional documentation is indicated with sample forms, individuals with primary responsibility for compliance are identified, a timeline is given when appropriate, additional resources are listed, and appendices provide ancillary information. The seven topic areas covered are: (1) free appropriate public education; (2) child identification; (3) confidentiality; (4) procedural safeguards; (5) assessment and multifactored evaluation; (6) the individualized education program and least restrictive environment; and (7) due process procedures. Among 14 appendices are guidelines for services to students parentally placed in nonpublic schools, sample building team forms, the Child Information Management System, school-age multifactored evaluation requirements, and definitions. (B)

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MODEL POLICIES AND PROCEDURES FOR THE EDUCATION OF CHILDREN WITH DISABILITIES

Ohio Department of Education
Columbus, Ohio
2000

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MODEL

POLICIES AND PROCEDURES

FOR

THE EDUCATION

OF

CHILDREN WITH DISABILITIES

Ohio Department of Education
Columbus, Ohio
2000

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Model Policies and Procedures for the Education of Children with Disabilities

Prepared by the
Ohio Department of Education
Division of Early Childhood Education and
Division of Special Education

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February 4, 2000

Dear Colleagues:

The Ohio Department of Education's Vision Statement indicates that all students will graduate and be highly skilled and educated, informed citizens who will be prepared for productive lives within their families and communities. In order to achieve this important vision, the Department is committed to work in partnership with schools so that educators have the skills, knowledge, and resources to enable students to reach high expectations, and to foster the ability of families and communities to help students succeed. One resource that is crucial to the success of students with disabilities is Ohio's *Model Policies and Procedures for the Education of Children with Disabilities*.

This manual, which was originally published in 1995 to assist school personnel and parents in implementing the Individuals with Disabilities Education Act (IDEA), has been revised in order to include changes made by the IDEA Amendments of 1997, final regulations, and new statutory requirements added by Public Law 105-17. The revision to the manual incorporates the vision of the Ohio Department of Education as well as the intent of the new federal laws and regulations including: higher expectations for students with disabilities, strengthening the role of parents, access to the general curriculum, targeted professional development, and accountability.

I express my sincere appreciation to members of Ohio's Policies and Procedures Task Force who have spent countless hours revising model policies and procedures. Special thanks are extended to Dr. David Roach, director of Southeastern Ohio SERRC and Dr. Kristen Kask, assistant director in the Division of Special Education, for cochairing the Task Force, and to Betty Cannon, word processing specialist, for her many hours of work in preparing the manual for print.

It is our hope that all school districts will use the revised edition of Ohio's *Model Policies and Procedures for the Education of Children with Disabilities*, and that school personnel and parents will work together to implement these policies and procedures, leading to improved educational opportunities and experiences for all Ohio students.

Sincerely,

John Herner

John Herner, Director
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We acknowledge John Herner, director of the Division of Special Education, and Jane Wiechel, director of the Division of Early Childhood Education, and their respective staffs, for their vision, their dedication, and their commitment to improving educational opportunities for *all* children. The development of Ohio's *Model Policies and Procedures for the Education of Children with Disabilities,* including the parent notice of procedural safeguards, represents a truly collaborative effort involving many hours of work on the part of the Ohio Department of Education (ODE) and special education regional resource center (SERRC) personnel, and parents, teachers, and school administrators across the State of Ohio.

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HOW TO USE THIS MANUAL

PURPOSE

The *Model Policies and Procedures for the Education of Children with Disabilities,* hereafter referred to as the Manual, has been developed to assist districts to meet the spirit and intent of the Individuals with Disabilities Education Act (IDEA) and corresponding federal and state regulations.

All school districts are required to provide a free appropriate public education (FAPE) to all children with disabilities in accordance with IDEA.

In the provision of a free appropriate public education, children and their parents are afforded due process rights, requiring school districts to follow certain procedural safeguards. Individualized education programs (IEPs), for example, must be developed and reviewed annually for each child with a disability who receives special education and related services.

This Manual is intended to provide school district personnel with model policies and procedures which, when followed, will ensure compliance with IDEA.

SUGGESTIONS AND INSTRUCTIONS FOR DISTRICT ADOPTION OF MODEL POLICIES AND PROCEDURES

1. The school **Board Policy** is located in Section 1: Free Appropriate Public Education (FAPE) of the Manual, and it is recommended that local boards of education adopt Section 1. It is only necessary for the Board to adopt the policy statements. The remaining sections of the Manual outline the procedures that the district will follow to implement school board policy. Therefore, if changes provided by the Ohio Department of Education, Divisions of Special Education and Early Childhood Education are made to the procedures, the Manual need not be presented again to the Board for approval.

2. The **"Administrative Assignment Form"** must be completed by the superintendent as a requirement for compliance. This form should be reviewed and updated annually or as school district administrative responsibilities change.

   If the district should revise any procedure and/or form(s), such revisions will need to be submitted to the Ohio Department of Education, Division of Special Education, for approval prior to implementation and must be submitted on an annual basis.

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FEATURES OF THE MANUAL

The Manual is divided into seven sections, labeled one (1) through seven (7), which address major areas of federal and state regulations. Ancillary information, including definitions, are included in the Appendices. Sections 1 through 7 include:

Section 1: Free Appropriate Public Education (FAPE)
Section 2: Child Identification
Section 3: Confidentiality
Section 4: Procedural Safeguards
Section 5: Assessment/Multifactored Evaluation (MFE)
Section 6: Individualized Education Program (IEP)/Least Restrictive Environment (LRE)
Section 7: Due Process Procedures

CONTENT

A table of contents, including a list of forms, for each section is organized to provide the following information:

- The **section** of the manual and the **topics** are identified.
- The applicable **federal statute(s)** is quoted, where appropriate.

  Note: When a law is passed, it is given Statute numbers (i.e., 612). When bills are put into U.S. Code, the numbers are changed. In the case of the 1997 Amendments to IDEA, the correct code is 20 USC 14xx. For example, 612 becomes 1412.
- The applicable **federal regulation(s)** is quoted when there is no match in the federal statute. If a federal regulation is not quoted verbatim, the term "Abridged" is used to denote paraphrased language.
- The applicable **state rule** is cited unless
  - — the state rule is identical to the federal regulation; and/or
  - — the state rule denotes a procedure, then the words "refer to procedure" are used.

  Also, state standard language has been changed to reflect "children first" language. The words "child/children with disabilities" have replaced "handicapped child/children."
- The **procedures** indicate the action to be taken by district personnel to implement federal and state laws and regulations. Optional or suggested procedures are marked by the symbol "❖."
- The **documentation** indicates a form or other written material that may serve to facilitate the activity and/or serve as documentation. Optional or suggested forms are marked by the symbol "❖."
- The **responsibility** indicates the primary person who may be responsible for this activity. The Administrative Assignment Form (FAPE-102 or FAPE-102a) is provided in Section 1 for district or community school use in determining primary responsibility for required tasks.
- The **time line** is specified for required activities. If the time line is not specified, the activity is ongoing. All "days" are considered calendar days, unless otherwise specified.

  The **related forms** specifies resources found in the manual that correspond with a particular topic.

- The **additional resources** provide references, as well as optional resources, for district or community school use. Additional resources refer to resources not found in the Manual.
- **Appendices**, which include ancillary information, definitions of commonly used terms, and a subject index are also provided and follow Section 7.

FORMS

Each section of the Manual also includes sample **forms** that may be duplicated for district use. The word **form** is used in this Manual to denote sample letters, memoranda, charts, supplementary information, survey instruments, and reports. Again, the symbol "❖" is used to indicate **forms** that are optional or suggested, rather than required.

Reference codes are included on the top right corner of each form. A key follows:

Section 1:	FAPE	Free Appropriate Public Education
Section 2:	CI	Child Identification
Section 3:	CN	Confidentiality
Section 4:	PS	Procedural Safeguards
Section 5:	MFE	Assessment/Multifactored Evaluation
Section 6:	IEP	Individualized Education Program (IEP)/ Least Restrictive Environment (LRE)
Section 7:	DP	Due Process Procedures

Note: If the "Documentation" column does not indicate "Form," then it is informational in nature and is not an actual "Form."

A FINAL NOTE

Procedures are only as good as the user. Proper implementation of the procedures and related forms will not only assist in the provision of appropriate educational services for children with disabilities, but may also save time and expense and reduce frustration on the part of parents and school personnel in the event of an impartial hearing or litigation. The special education regional resource centers (SERRCs) are available to assist school districts in the implementation of these procedures.

COMPUTER COMPATIBILITY

This document has been developed on the Macintosh (Apple) computer, using the program and settings listed below:

- Program: Microsoft Office 98
- Printer: Laser Writer II
- Settings: Left and right margins are set at .75
  Top and bottom margins are set at .50

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❖**Denotes optional procedure/form**

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❖Denotes optional procedure/form

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❖Denotes optional procedure/form

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❖**Denotes optional procedure/form**

SECTION 1: FREE APPROPRIATE PUBLIC EDUCATION

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RELATED APPENDICES

None.

ADDITIONAL RESOURCES

- **Individuals with Disabilities Education Act Amendments of 1997: Federal Statute**
- **Individuals with Disabilities Education Act Amendments of 1997: Final Regulations 34 CFR Parts 300 and 303)**
- **Ohio Department of Education. (June 1, 1998). Joint Agreement Between Federal Regions V and VII Administration for Children and Families; The Ohio Department of Health Regarding Provision of Services for Children with Disabilities, Birth Through Age Five, Enrolled in Head Start Programs**

SECTION: Free Appropriate Public Education

TOPIC: Board Policy

FEDERAL STATUTE: 20 USC 1412(a)(1)(A) **Free appropriate public education.**

(a) *In General.*— A State is eligible for assistance under this part for a fiscal year if the State demonstrates to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets each of the following conditions:

(1) Free Appropriate Public Education.—

(A) A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The Board of Education has a policy pledging responsibility that the school district will provide a free appropriate public education (FAPE) to all students, aged 3 through 21 years, including children who have been suspended or expelled for more than 10 days in that school year, who are eligible for special education and related services, as defined by Ohio Revised Code (ORC) 3323.02.	Forms FAPE-101a, FAPE-101b, FAPE-101c, FAPE-101d, and FAPE-101e	Superintendent Board President	Date adopted
2. The district implements the policy of providing a free appropriate public education through all the other policies and procedures contained in this document, as administered by person(s) assigned. These assignments should be reviewed and updated annually.	Form FAPE-102 or FAPE-102a	Superintendent	Date adopted

Additional Resources

- Individuals with Disabilities Education Act Amendments of 1997: Federal Statute
- Individuals with Disabilities Education Act Amendments of 1997: Final Regulations (34 CFR Parts 300 and 303)

SECTION: Free Appropriate Public Education

TOPIC: District Plan

FEDERAL REGULATION: 34 CFR §§300.13 and 300.304

§300.13 Free appropriate public education.

As used in this part, the term free appropriate public education or FAPE means special education and related services that—

(a) Are provided at public expense, under public supervision and direction, and without charge;
(b) Meet the standards of the SEA, including the requirements of this part;
(c) Include preschool, elementary school, or secondary school education in the State; and
(d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.340-300.350.

§300.304 Full educational opportunity goal.

Each SEA shall ensure that each public agency establishes and implements a goal of providing full educational opportunity to all children with disabilities in the area served by the public agency.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school will develop a plan for providing special education services to identified children residing within the district. In doing so, the district will	• Flow-Thru (TitleVI-B) application • Contract(s) • Copies of interagency agreement(s)	Superintendent	As needed and annually
a. Provide a comprehensive overview for the provision of special education services. b. Include a description of related and support services provided for identified children residing in the district (refer to pages 4 through 6 of this section). **Note:** Additional services must be provided if required for an individual child. c. Provide a continuum of services, irrespective of funding sources, necessary for the provision of FAPE to all identified children residing within the district, including: (1) Intervention specialists and related services personnel; (2) Contracts with other LEAs and/or agencies to provide services; and	Other assurances and documentation as required by ODE		
(3) Interagency agreements to collaborate in the provision of needed services, which should be updated annually.	Interagency Agreements		
d. Include overview for provision of services in the least restrictive environment.			

Additional Resources

Ohio Department of Education. (June 1, 1998). Joint Agreement Between Federal Regions V and VII Administration for Children and Families; The Ohio Department of Health Regarding Provision of Services for Children with Disabilities, Birth Through Age Five, Enrolled in Head Start Programs

FEDERAL REGULATION: 34 CFR §§300.26 and 300.24

§300.26 Special education.

(a) *General.*

(1) As used in this part, the term *special education* means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
(ii) Instruction in physical education.

(2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
(ii) Travel training; and
(iii) Vocational education.

(b) *Individual terms defined.* The terms in this definition are defined as follows:

(1) *At no cost* means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) *Physical education*—

(i) Means the development of—

(A) Physical and motor fitness;
(B) Fundamental motor skills and patterns; and
(C) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) *Specially-designed instruction* means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child's disability; and
(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) *Travel training* means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

(i) Develop an awareness of the environment in which they live; and
(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) *Vocational education* means organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment, or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

FEDERAL REGULATION: (Continued)

§300.24 Related services.

(a) *General.* As used in this part, the term *related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(b) *Individual terms defined.* The terms used in this definition are defined as follows:

(1) *Audiology* includes—

- (i) Identification of children with hearing loss;
- (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
- (iv) Creation and administration of programs for prevention of hearing loss;
- (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) *Counseling services* means services provided by qualified social workers, psychologists, guidance counselors, or other qualified personnel.

(3) *Early identification and assessment of disabilities in children* means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) *Medical services* means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

(5) *Occupational therapy*—

- (i) Means services provided by a qualified occupational therapist; and
- (ii) Includes—
  - (A) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
  - (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
  - (C) Preventing, through early intervention, initial or further impairment or loss of function.

(6) *Orientation and mobility services*—

- (i) Means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and
- (ii) Includes teaching students the following, as appropriate:
  - (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
  - (B) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
  - (C) To understand and use remaining vision and distance low vision aids; and
  - (D) Other concepts, techniques, and tools.

(7) *Parent counseling and training* means—

- (i) Assisting parents in understanding the special needs of their child;
- (ii) Providing parents with information about child development; and
- (iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

FEDERAL REGULATION: (Continued)

(8) *Physical therapy* means services provided by a qualified physical therapist.

(9) *Psychological services* includes—

- (i) Administering psychological and educational tests, and other assessment procedures;
- (ii) Interpreting assessment results;
- (iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
- (iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests, interviews, and behavioral evaluations;
- (v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
- (vi) Assisting in developing positive behavioral intervention strategies.

(10) *Recreation* includes—

- (i) Assessment of leisure function;
- (ii) Therapeutic recreation services;
- (iii) Recreation programs in schools and community agencies; and
- (iv) Leisure education.

(11) *Rehabilitation counseling services* means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(12) *School health services* means services provided by a qualified school nurse or other qualified person.

(13) *Social work services in schools* includes—

- (i) Preparing a social or developmental history on a child with a disability;
- (ii) Group and individual counseling with the child and family;
- (iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
- (iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
- (v) Assisting in developing positive behavioral intervention strategies.

(14) *Speech-language pathology services* includes—

- (i) Identification of children with speech or language impairments;
- (ii) Diagnosis and appraisal of specific speech or language impairments;
- (iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
- (iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
- (v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(15) *Transportation* includes—

- (i) Travel to and from school and between schools;
- (ii) Travel in and around school buildings; and
- (iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
The IEP team determines services, based on the unique needs of the child, and the school district is then required to provide those services.			

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Board Policy
Local Educational Agency
Special Education

The ______________________________ Board of Education, as an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with state and federal laws, rules, and regulations, does hereby resolve to implement the following policies:

I. CHILD IDENTIFICATION

It shall be the policy of this local educational agency that ongoing efforts will be made to identify, locate, and evaluate children below 22 years of age, who reside within the district and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

II. PROCEDURAL SAFEGUARDS

It shall be the policy of this local educational agency that the child with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.

III. MULTIFACTORED EVALUATION

It shall be the policy of this local educational agency to provide a multifactored evaluation for children with disabilities by ensuring that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the superintendent or his/her designee, when other no-cost resources are not available.

IV. INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this local educational agency that an individualized education program (IEP) will be developed for each child with a disability that needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually.

V. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this local educational agency that the education of children with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It shall be the policy of this Board that a free appropriate public education is available to any individual child with a disability who needs special education and related services even though the child is advancing from grade to grade.

VI. CONFIDENTIALITY OF DATA

It shall be the policy of this local educational agency that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this local educational agency shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This local educational agency follows all federal regulations and state standards related to the confidentiality of data.

VII. DUE PROCESS

It shall be the policy of this local educational agency to utilize procedures that allow differences of opinion between parent(s) and this local educational agency or between agencies and this local educational agency, to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, mediation, impartial due process hearing, and state level appeals and appeals to the courts that involve the district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the state, or when the child is without a formally declared legal representative.

VIII. SURROGATE PARENT

It shall be the policy of this local educational agency that whenever the parent(s) or guardian(s) of a child with a disability is (are) not known or cannot be located, or when the child is a ward of the state, the child's rights shall be protected through the assignment of an individual (who shall not be an employee of the state education agency, local educational agency, or intermediate educational unit involved in the education of the child) who will serve as the child's surrogate parent.

IX. TESTING PROGRAMS

It shall be the policy of this local educational agency that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

Be it further resolved that the superintendent shall administer the local implementation of these state procedures, in accordance with state and federal laws, rules, and regulations, which will ensure fulfillment of the policies contained herein.

Adopted the _____ day of _________________ 20_____

Yeas: _________

Nays: _________

Signed: ____ President of Board

Signed: ____ Treasurer of Board

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Board Policy
Joint Vocational School District

Special Education

The ________________ Joint Vocational School District, as an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with state and federal laws, rules, and regulations, does hereby resolve to implement the following policies:

I. CHILD IDENTIFICATION

It shall be the policy of this joint vocational school district that it will cooperate with the school district of residence in ongoing efforts to identify, locate, and evaluate children below 22 years of age, who attend the joint vocational school district and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

II. PROCEDURAL SAFEGUARDS

It shall be the policy of this joint vocational school district that it will cooperate with the school district of residence to ensure that a child with a disability who attends this joint vocational school district and his/her parent(s) shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.

III. MULTIFACTORED EVALUATION

It shall be the policy of this joint vocational school district to cooperate with the school district of residence in the provision of a multifactored evaluation for children with disabilities to ensure that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the superintendent of the school district of residence or his/her designee, when other no-cost resources are not available.

IV. INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this joint vocational school district to cooperate with the school district of residence in the development of an individualized education program (IEP) for each child with a disability who needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually.

V. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this joint vocational school district that the education of children with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It shall be the policy of this Board that a free appropriate public education is available to any individual child with a disability who needs special education and related services even though the child is advancing from grade to grade.

VI. CONFIDENTIALITY OF DATA

It shall be the policy of this joint vocational school district that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this joint vocational school district shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This joint vocational school district follows all federal regulations and state standards related to the confidentiality of data.

VII. DUE PROCESS

It shall be the policy of this joint vocational school district to cooperate with the school district of residence in the utilization of procedures that allow differences of opinion between parent(s) and school district(s) or between agencies and school district(s), to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, mediation, impartial due process hearing, and state level appeals and appeals to the courts that involve the district's/districts' proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the state, or when the child is without a formally declared legal representative.

VIII. SURROGATE PARENT

It shall be the policy of this joint vocational school district to notify the school district whenever the parent(s) or guardian(s) of a child with a disability is (are) not known or cannot be located, or when the child is a ward of the state.

IX. TESTING PROGRAMS

It shall be the policy of this joint vocational school district that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

Be it further resolved that the superintendent shall administer the local implementation of these state procedures, in accordance with state and federal laws, rules, and regulations, which will ensure fulfillment of the policies contained herein.

Adopted the _____ day of ________________ 20_____

Yeas: ________

Nays: ________

Signed: ______________________________ President of Board

Signed: ______________________________ Superintendent

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Board Policy
County Board of Mental Retardation and Developmental Disabilities

Special Education

The ______________________________ County Board of Mental Retardation and Developmental Disabilities, as an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with state and federal laws, rules, and regulations, does hereby resolve to implement the following policies:

I. CHILD IDENTIFICATION

It shall be the policy of this county board of mental retardation and developmental disabilities that it will cooperate with the school district of residence in ongoing efforts to identify, locate, and evaluate children below 22 years of age, who attend the county board of mental retardation and developmental disabilities and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

II. PROCEDURAL SAFEGUARDS

It shall be the policy of this county board of mental retardation and developmental disabilities that it will cooperate with the school district of residence to ensure that a child with a disability who attends this county board of mental retardation and developmental disabilities and his/her parent(s) shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.

III. MULTIFACTORED EVALUATION

It shall be the policy of this county board of mental retardation and developmental disabilities to cooperate with the school district of residence in the provision of a multifactored evaluation for children with disabilities to ensure that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the superintendent of the school district of residence or his/her designee, when other no-cost resources are not available.

IV. INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this county board of mental retardation and developmental disabilities to cooperate with the school district of residence in the development of an individualized education program (IEP) for each child with a disability who needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually.

V. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this county board of mental retardation and developmental disabilities that the education of children with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It shall be the policy of this Board that a free appropriate public education is available to any individual child with a disability who needs special education and related services even though the child is advancing from grade to grade.

VI. CONFIDENTIALITY OF DATA

It shall be the policy of this county board of mental retardation and developmental disabilities that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this county board shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This county board follows all federal regulations and state standards related to the confidentiality of data.

VII. DUE PROCESS

It shall be the policy of this county board of mental retardation and developmental disabilities to cooperate with the school district of residence in the utilization of procedures that allow differences of opinion between parent(s) and the school district(s) or between agencies and the school district(s), to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, mediation, impartial due process hearing, and state level appeals and appeals to the courts that involve the district's/districts' proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the state, or when the child is without a formally declared legal representative.

VIII. SURROGATE PARENT

It shall be the policy of this county board of mental retardation and developmental disabilities to notify the school district whenever the parent(s) or guardian(s) of a child with a disability is (are) not known or cannot be located, or when the child is a ward of the state.

IX. TESTING PROGRAMS

It shall be the policy of this county board of mental retardation and developmental disabilities that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

Be it further resolved that the superintendent shall administer the local implementation of these state procedures, in accordance with state and federal laws, rules, and regulations, which will ensure fulfillment of the policies contained herein.

Adopted the _____day of __________________ 20_____

Yeas: ________

Nays: ________

Signed: ____ President of Board

Signed: ____ Superintendent

Governing Board Policy
Educational Service Center (ESC)

Special Education

The Governing Board of the ________________ Educational Service Center, as an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with state and federal laws, rules, and regulations, does hereby resolve to implement the following policies:

I. CHILD IDENTIFICATION

It shall be the policy of this educational service center that it will cooperate with the school district of residence in ongoing efforts to identify, locate, and evaluate children below 22 years of age, who reside within the district and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

II. PROCEDURAL SAFEGUARDS

It shall be the policy of this educational service center that it will cooperate with the school district of residence to ensure that the child with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.

III. MULTIFACTORED EVALUATION

It shall be the policy of this educational service center that it will cooperate with the school district of residence in the provision of a multifactored evaluation for children with disabilities to ensure that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the superintendent of the school district of residence or his/her designee, when other no-cost resources are not available.

IV. INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this educational service center that it will cooperate with the school district of residence in the development of an individualized education program (IEP) for each child with a disability who needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in a planning conference. Parents of the child shall be strongly encouraged to participate in the planning conference. The IEP shall be reviewed and revised as often as necessary, but at least annually.

V. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this educational service center that it will cooperate with the school district of residence to ensure that the education of children with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate. Children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate schooling, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It shall be the policy of this Board that a free appropriate public education is available to any individual child with a disability who needs special education and related services even though the child is advancing from grade to grade.

VI. CONFIDENTIALITY OF DATA

It shall be the policy of this educational service center that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this educational service center district shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This educational service center follows all federal regulations and state standards related to the confidentiality of data.

VII. DUE PROCESS

It shall be the policy of this educational service center to cooperate with the school district of residence in the utilization of procedures that allow differences of opinion between parent(s) and this educational service center or between agencies and the school district(s), to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, mediation, impartial due process hearing, and state level appeals and appeals to the courts that involve the district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. Furthermore, the rights of children with disabilities shall be protected when the parents cannot be identified or located, when the child is a ward of the state, or when the child is without a formally declared legal representative.

VIII. SURROGATE PARENT

It shall be the policy of this educational service center that whenever the parent(s) or guardian(s) of a child with a disability is (are) not known or cannot be located, or when the child is a ward of the state, the child's rights shall be protected through the assignment of an individual (who shall not be an employee of the state education agency, local education agency, or intermediate educational unit involved in the education of the child) who will serve as the child's surrogate parent.

IX. TESTING PROGRAMS

It shall be the policy of this educational service center that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

Be it further resolved that the superintendent shall administer the local implementation of these state procedures, in accordance with state and federal laws, rules, and regulations, which will ensure fulfillment of the policies contained herein.

Adopted the _____ day of _________________________ 20_____

Yeas: _________

Nays: _________

Signed: _______________________________________ President of Board

Signed: _______________________________________ Treasurer of Board

Governing Authority
Community School

Special Education

The ______________________ Governing Authority, as an expression of its commitment to provide a free appropriate public education for children with disabilities in accordance with state and federal laws, rules, and regulations, does hereby resolve to implement the following policies:

I. CHILD IDENTIFICATION

It shall be the policy of this community school that ongoing efforts will be made to identify, locate, and evaluate children below 22 years of age, who enroll in the community school and have a confirmed or suspected disability in accordance with all federal regulations and state standards.

II. PROCEDURAL SAFEGUARDS

It shall be the policy of this community school that the child with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free appropriate public education to the child.

III. MULTIFACTORED EVALUATION

It shall be the policy of this community school to provide a multifactored evaluation for children with disabilities by ensuring that children are assessed in their native language or other mode of communication; tests are used for their validated purposes; children are evaluated in all areas related to their suspected disability; testing is conducted by a multidisciplinary team; testing materials and procedures are not racially or culturally biased; tests are administered by trained personnel qualified in accordance with all federal regulations and state standards; tests are administered in conformance with the instructions provided by the producer; and, that medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the chief executive officer or his/her designee, when other no-cost resources are not available.

IV. INDIVIDUALIZED EDUCATION PROGRAM

It shall be the policy of this community school district that an individualized education program (IEP) will be developed for each child with a disability who needs special education. The IEP shall be designed to meet the unique needs of the child and shall be developed in an IEP conference with the parent(s). The IEP shall be reviewed and revised as often as necessary, but at least annually.

V. LEAST RESTRICTIVE ENVIRONMENT

It shall be the policy of this community school that the education of children with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each child with a disability; to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who do not have disabilities; special classes, separate facilities, or other removal of children with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

It shall be the policy of this Governing Authority that a free appropriate public education is available to any individual child with a disability who needs special education and related services even though the child is advancing from grade to grade.

VI. CONFIDENTIALITY OF DATA

It shall be the policy of this community school that the confidentiality of personally identifiable data relating to children with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this community school shall be assigned the responsibility for protecting the confidentiality of personally identifiable data. This community school follows all federal regulations and state standards related to the confidentiality of data.

VII. DUE PROCESS

It shall be the policy of this community school to cooperate with the school district of residence in the utilization of procedures that allow differences of opinion between parent(s) and this community school or between agencies and this community school, to be aired and resolved; and that the procedures shall provide for utilization of case conferences, administrative reviews, mediation, impartial due process hearing, and state level appeals and appeals to the courts that involve the community school's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child.

VIII. SURROGATE PARENT

It shall be the policy of this community school that whenever the parent(s) or guardian(s) of a child with a disability is (are) not known or cannot be located, or when the child is a ward of the state, the child's rights shall be protected through the appointment of an individual who will serve as the child's surrogate parent.

IX. TESTING PROGRAMS

It shall be the policy of this community school that students with disabilities shall participate in local and statewide testing programs or be provided an alternate assessment. The determination shall be made at the IEP conference.

Be it further resolved that the chief executive officer shall ensure fulfillment of the community school procedures, in accordance with state and federal laws, rules, and regulations, which will ensure fulfillment of the policies contained herein.

Adopted the _____ day of _______________________ 20_____

Yeas: ________

Nays: ________

Signed: ____________________________________ President of Governing Authority

Signed: ____________________________________ Treasurer of Governing Authority

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(Page 1 of 2)

ADMINISTRATIVE ASSIGNMENT FORM

SCHOOL DISTRICT:

Please identify the person by name and position assigned to fulfill each of the following responsibilities:

A. The person assigned the responsibility for supervising the implementation of special education procedures at the district level is:

____

B. The person assigned the responsibility for implementing special education procedures for students at the building level is:

____

C. The person assigned the responsibility for planning and implementing the ongoing in-school and out-of school identification system (Child Identification System Coordinator) is:

____

D. The person assigned the responsibility for assuring the confidentiality of personally identifiable data (Records Control Officer) is:

____

E. The person assigned the responsibility for implementing special education procedures for school-age children not yet enrolled in school is:

____

F. The person assigned the responsibility for implementing special education procedures for school-age children who are residents of this school district, but who are attending a program provided by an agency or other school district is:

____

G. The person assigned the responsibility for implementing special education procedures for preschool children is:

____

H. The person or persons specified below, by name and position, are authorized to function as the district representative at IEP meetings to assure the provision of special education programs and services, as specified on a child's individualized education program (IEP).

List the name(s) and position(s) of individual(s) authorized to serve as district representative, as defined below.

____

____

____

❖I. Case Manager: The person or persons specified below, by name and position, may be assigned the responsibility of acting as case manager for individual students. This person(s) would serve as an advocate for the child, tracking him/her through all phases of identification and service delivery to assure that his/her needs are being met. This person(s) could be a building principal, school psychologist, regular education teacher, special education teacher, or other individual, as assigned by the superintendent.

List the name(s) and position(s) of individual(s) authorized to serve as case manager, as defined below.

____

____

____

J. Other

____

____

____

The responsibilities specified herein are assigned as of____________________________, 20_____.

____, Superintendent.

Who can serve as the representative of the public agency at an IEP meeting?

The IEP team must include a representative of the public agency who: (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet unique needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of the public agency [§300.344(a)(4)].

Each public agency may determine which specific staff member will serve as the agency representative in a particular IEP meeting, so long as the individual meets these requirements. It is important, however, that the agency representative has the authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative, so long as that individual meets the requirements of §300.344(a)(4).

❖**Denotes optional procedure/form**

FAPE-102a
(Page 1 of 2)

ADMINISTRATIVE ASSIGNMENT FORM

COMMUNITY SCHOOL:

Please identify the person by name and position assigned to fulfill each of the following responsibilities:

A. The person assigned the responsibility for supervising the implementation of special education procedures at the community school is:

____

B. The person assigned the responsibility for implementing special education procedures for students at the community school is:

____

C. The person assigned the responsibility for planning and implementing the ongoing in-school and out-of school identification system (Child Identification System Coordinator) is:

____

D. The person assigned the responsibility for assuring the confidentiality of personally identifiable data (Records Control Officer) is:

____

E. The person assigned the responsibility for implementing special education procedures for school-age children who are enrolled in this community school, but who are attending a program provided by an agency or other school district is:

____

F. The person or persons specified below, by name and position, are authorized to function as the school representative at IEP meetings to assure the provision of special education programs and services, as specified on a child's individualized education program (IEP).

List the name(s) and position(s) of individual(s) authorized to serve as the school representative, as defined below.

____

____

____

❖G. Case Manager: The person or persons specified below, by name and position, may be assigned the responsibility of acting as case manager for individual students. This person(s) would serve as an advocate for the child, tracking him/her through all phases of identification and service delivery to assure that his/her needs are being met. This person(s) could be a building principal, school psychologist, regular education teacher, special education teacher, or other individual, as assigned by the superintendent.

List the name(s) and position(s) of individual(s) authorized to serve as the school representative, as defined below.

____

____

____

H. Other

____

____

____

____

The responsibilities specified herein are assigned as of__________________________, 20____.

____, Chief Executive Officer.

Who can serve as the representative of the public agency at an IEP meeting?

The IEP team must include a representative of the public agency who: (a) is qualified to provide, or supervise the provision of, specially designed instruction to meet unique needs of children with disabilities; (b) is knowledgeable about the general curriculum; and (c) is knowledgeable about the availability of resources of the public agency [§300.344(a)(4)].

Each public agency may determine which specific staff member will serve as the agency representative in a particular IEP meeting, so long as the individual meets these requirements. It is important, however, that the agency representative has the authority to commit agency resources and be able to ensure that whatever services are set out in the IEP will actually be provided.

A public agency may designate another public agency member of the IEP team to also serve as the agency representative, so long as that individual meets the requirements of §300.344(a)(4).

❖**Denotes optional procedure/form**

SECTION 2: CHILD IDENTIFICATION

CONTENTS BY TOPIC

General Page 1

In-School Identification Page 4

Out-of-School Identification Page 11

Transition: Early Intervention (Part C) to Preschool Special Education Programs (Part B) Page 14

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Child Information Management System (CIMS) Page 17

Child Information Management System - Child Count Page 19

FORMS		*TOPIC*
CI-201	Sample Awareness Notice...................................... (Search for Children with Disabilities Underway)	*General/Out-of-School ID/ Intensive Awareness Campaign*
CI-202	Identification Effort (Sample Letter, Superintendent to Staff).............	*In/Out-of-School ID/Intensive Awareness Campaign*
CI-203	Information Regarding.. Differentiated Referral System	*General/In/Out-of-School ID*
CI-204	School-Age Request for Assistance......................	*In/Out-of-School ID/Protections for Children Not Yet Eligible for Special Education and Related Services/Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/ IBA-MFE/Evaluation Team Report/IEP Special Factors:LEP*
CI-205	Preschool Request for Assistance........................	*In/Out-of-School ID/Protections for Children Not Yet Eligible for Special Education and Related Services/Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/ IBA-MFE/Evaluation Team Report/Eligibility Criteria:Early Childhood Services/IEP Special Factors:LEP*
CI-206❖	Parent Invitation to Participate in School-Based Intervention Assistance Process...........................	*In/Out-of-School ID*

❖Denotes optional procedure/form

SECTION 2: CHILD IDENTIFICATION (Continued)

FORMS		***TOPIC***
CI-207❖	**Documentation of Interventions**	*In-School ID/Protections for Children Not Yet Eligible for Special Education and Related Services/Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/ IBA-MFE/Evaluation Team Report/Eligibility Criteria:Early Childhood Services/ IEP Special Factors:LEP*
CI-208	**Parent Invitation to Conference**	*In-School ID/Definitions: Opportunity to Examine Records/Providing Notice to Parents*
CI-209	**Parent Invitation Response Form**	*In-School ID/IEP Team:Parent Participation*
CI-210❖	**Documentation of Attempts to Obtain Parent Participation**	*In-School ID/Definitions: Opportunity to Examine Records/Providing Notice to Parents/Parental Consent/ Planning and Conducting the Reevaluation/IEP Team:Parent Participation/Parental Consent/ Copies of IEP*
CI-211	**Determination of Suspected Disability**	*In-School ID/Protections for Children Not Yet Eligible for Special Education and Related Services/Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/ Eligibility Criteria:Early Childhood Services*
CI-212	**Notification to School District of Residence of Student with a Suspected Disability**	*In-School ID*
CI-213❖	**Permission for Review**	*In-School ID*
CI-214	**EMIS Information Completed at IEP Meeting**	*CIMS-Child Count*

❖Denotes optional procedure/form

RELATED APPENDICES

Appendix A:	Guidelines for Providing Services to Children with Disabilities Parentally Placed In Ohio Chartered Nonpublic Schools
Appendix B:	Sample Building Team Forms
Appendix C:	Child Information Management System (CIMS)
Appendix D:	Interagency Agreement on Transition From Early Intervention (Part C) to Preschool Special Education Programs (Part B) or Other Appropriate Services

ADDITIONAL RESOURCES

- Ohio Department of Education. (1985). *Intervention assistance teams.* Columbus, OH: Author.
- Ohio Department of Education. (1988). *Intervention assistance team models: Sharing the responsibility for success.* Columbus, OH: Author.
- Ohio Department of Education. (1990). *Secondary level intervention assistance team models: Sharing the responsibility for success.* Columbus, OH: Author.

SECTION: Child Identification

TOPIC: General

FEDERAL STATUTE: 20 USC 1412(a)(3) and 1412(a)(10)

1412(a)(3) Child find.—

(A) *In General.*—All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

(B) *Construction.*—Nothing in this Act requires that children be classified by their disability so long as each child who has a disability listed in section 602 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under this part.

1412(a)(10) Children in private schools.—

(A) Children enrolled in private schools by their parents.—

(ii) Child Find Requirement.—The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including parochial, elementary, and secondary schools.

FEDERAL REGULATION: 34 CFR §§300.125 and 300.451

§300.125 Child find.

(a) *General requirement.*

(1) The State must have in effect policies and procedures to ensure that—

(i) All children with disabilities residing in the State, including children with disabilities attending private schools, regardless of the severity of their disability, and who are in need of special education and related services are identified, located, and evaluated; and
(ii) A practical method is developed and implemented to determine which children are currently receiving needed special education and related services.

(2) The requirements of paragraph (a)(1) of this section apply to—

(i) Highly mobile children with disabilities (such as migrant and homeless children); and
(ii) Children who are suspected of being a child with a disability under Sec. 300.7 and in need of special education, even though they are advancing from grade to grade.

(b) *Documents relating to child find.* The State must have on file with the Secretary the policies and procedures described in paragraph (a) of this section, including—

(1) The name of the State agency (if other than the SEA) responsible for coordinating the planning and implementation of the policies and procedures under paragraph (a) of this section;

(2) The name of each agency that participates in the planning and implementation of the child find activities and a description of the nature and extent of its participation;

(3) A description of how the policies and procedures under paragraph (a) of this section will be monitored to ensure that the SEA obtains—

(i) The number of children with disabilities within each disability category that have been identified, located, and evaluated; and
(ii) Information adequate to evaluate the effectiveness of those policies and procedures; and

(4) A description of the method the State uses to determine which children are currently receiving special education and related services.

FEDERAL REGULATION: (Continued)

(c) *Child find for children from birth through age 2 when the SEA and lead agency for the Part C program are different.*

(1) In States where the SEA and State's lead agency for the Part C program are different and the Part C lead agency will be participating in the child find activities described in paragraph (a) of this section, a description of the nature and extent of the Part C lead agency's participation must be included under paragraph (b)(2) of this section.

(2) With the SEA's agreement, the Part C lead agency's participation may include the actual implementation of child find activities for infants and toddlers with disabilities.

(3) The use of an interagency agreement or other mechanism for providing for the Part C lead agency's participation does not alter or diminish the responsibility of the SEA to ensure compliance with the requirements of this section.

(d) *Construction.* Nothing in the Act requires that children be classified by their disability so long as each child who has a disability listed in Sec. 300.7 and who, by reason of that disability, needs special education and related services is regarded as a child with a disability under Part B of the Act.

(e) *Confidentiality of child find data.*

The collection and use of data to meet the requirements of this section are subject to the confidentiality requirements of Secs. 300.560-300.577.

§300.451 Child find for private school children with disabilities.

(a) Each LEA shall locate, identify, and evaluate all private school children with disabilities, including religious-school children residing in the jurisdiction of the LEA, in accordance with §§300.125 and 300.220. The activities undertaken to carry out this responsibility for private school children with disabilities must be comparable to activities undertaken for children with disabilities in public schools.

(b) Each LEA shall consult with appropriate representatives of private school children with disabilities on how to carry out the activities described in paragraph (a) of this section.

STATE RULE:

a. Each school district shall establish and implement written procedures which insure that all children below twenty-two years of age residing within the district who have a disability, regardless of the severity of their disability, and who are in need of special education and related services, are identified, located, and evaluated.

b. In the implementation of these rules, school districts shall consult with county boards of mental retardation and developmental disabilities, county boards of mental health, other educational agencies, and other agencies having information concerning children with disabilities.

c. Each school district shall make available to the general public written procedures for the identification of children with disabilities and the operation of a child information management system.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. General Identification of Children with Disabilities a. Each school district shall conduct a vigorous search to identify, locate, and evaluate, in accordance with the Ohio Department of Education's Rules, all children below 22 years of age residing within the school district who are disabled, regardless of the severity of their disability, and who are in need of special education and related services. This includes highly mobile children with disabilities (e.g., children who are homeless and/or from migrant families) and children who are suspected of being a child with a disability and in need of special education, even though they are advancing from grade to grade.		Superintendent or child identification system coordinator	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. The district shall consult with county boards of mental retardation and developmental disabilities, the county boards of mental health, other educational agencies, and other agencies having information concerning children with disabilities.	Options: • Telephone calls • Meetings • District-developed forms • Interagency agreements • Other	Superintendent or child identification system coordinator	Annually
c. The district's written policies and procedures for the identification of children with disabilities, and the operation of the child information management system shall be made available to the general public.	CI-201	Superintendent or child identification system coordinator	Annually and upon request
2. Identification of Children with Disabilities in Nonpublic Schools (refer to Appendix A: Guidelines for Providing Services to Children with Disabilities Parentally Placed in Ohio Chartered Nonpublic Schools)	CI-203 Options: • Telephone calls • Meetings • District-developed forms • Other	Superintendent	As needed
a. Each school district of residence shall locate, identify, and evaluate all children with disabilities who attend nonpublic schools, including religious schools, in accordance with procedures outlined in this section.	Options: • Telephone calls • Meetings • District-developed forms • Other	Superintendent	As needed
b. The school district will consult with appropriate representatives of the nonpublic school regarding the implementation of the activities required in this section.	Options: • Telephone calls • Meetings • District-developed forms • Other	Superintendent	As needed

Related Appendices:

Appendix A: Guidelines for Providing Services to Children with Disabilities Parentally Placed in Ohio Chartered Nonpublic Schools

FEDERAL STATUTE: 20 USC 1412(a)(3), 1412(a)(10)(A)(ii), 1414(d)(1)(B), 1415(b)(1), and 1415(k)(8)

1412(a)(3) Child find.

(Refer to page 1 of this section for the Federal Statute)

1412(a)(10)(A)(ii) Children in private schools.

(Refer to page 1 of this section for the Federal Statute)

1414(d)(1)(B) Individualized education program team.

(B) *Individualized Education Program Team.*—The term "individualized education program team" or "IEP Team" means a group of individuals composed of—

- (i) the parents of a child with a disability;
- (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;
- (iv) a representative of the local educational agency who—
  - (I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) whenever appropriate, the child with a disability.

1415(b)(1) Types of procedures.

(b) Types of Procedures.—The procedures required by this section shall include—

- (1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child.

1415(k)(8) Protections for children not yet eligible for special education and related services.

(A) *In General.*—A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred. (Refer to Section 4: Procedural Safeguards, and 34 CFR §300.527)

FEDERAL REGULATION: 34 CFR §§300.125, 300.345, and 300.501

§300.125 Child find.

(Refer to pages 1 and 2 of this section for the Federal Regulation)

§300.345 Parent participation.

(a) *Public agency responsibility—general.* Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) *Information provided to parents.*

(1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
(ii) Inform the parents of the provisions in Sec. 300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

§300.501 Opportunity to examine records; parent participation in meetings.

(a) *General.* The parents of a child with a disability must be afforded, in accordance with the procedures of Sections 300.562-300.569, an opportunity to—

(2) Participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and...

(b) *Parent participation in meetings.*

(1) Each public agency shall provide notice consistent with Sec. 300.345(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (a)(2) of this section.

(2) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

STATE RULE:

In-school child identification.

a. Each school district shall be responsible for planning and implementing an ongoing system for the identification of all in-school handicapped children residing within the district who may be in need of special education and related services as well as those children currently receiving such programs and services in that school district, another school district, or other educational agency.

b. Each state institution operated under the Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, and the Department of Youth Services shall be responsible for planning and implementing an ongoing system for the identification of all handicapped children under its care who may be in need of special education and related services as well as those children currently receiving such programs and services.

c. The in-school child identification system shall provide for the utilization of information within existing school records.

d. The system shall include written referral procedures for the purpose of obtaining appropriate multifactored evaluations.

e. The superintendent of the school district or state institution, or the superintendent's designated representative, shall be responsible for planning, implementing and coordinating the in-school child identification system.

f. School districts and other agencies may choose to cooperate with other school districts in planning and/or implementing in-school child identification procedures.

STATE RULE: (Continued)

g. The system shall include procedures for creating awareness of the in-school child identification efforts.

h. Each school district shall be responsible for reporting a summary of the child data from the in-school child identification system to the Ohio Department of Education on prescribed forms and in the prescribed manner.

i. The Ohio Department of Mental Health, the Ohio Department of Mental Retardation and Developmental Disabilities, and the Department of Youth Services shall be responsible for collecting child data from the respective state institutions and for reporting such data to the Ohio Department of Education on prescribed forms and in the prescribed manner.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district will disseminate information to ensure that all activities of the in-school identification system are planned, coordinated, and implemented.		Superintendent or child identification system coordinator	
a. A letter will be distributed to district staff members explaining the in-school identification system and identifying the individual responsible for implementing the system; and/or	Forms CI-202 and CI-203	Superintendent or child identification system coordinator	Annually
b. Meetings will be conducted with school district staff to disseminate information concerning the in-school identification system.	Forms CI-202 and CI-203	Superintendent or child identification system coordinator	Annually
2. The district will implement an in-school identification system that utilizes information within existing records, as well as the following differentiated referral system: a. The differentiated referral system is a process for determining or differentiating the type, extensiveness, and priority of services or interventions necessary to address identified concerns and may include: (1) Collection of additional information; (2) Consultation; (3) Observation; (4) Interview(s); (5) Referral to other sources; (6) Counseling; and (7) Assessment (screening, curriculum-based, and other appropriate classroom-based measures to determine interventions).	CI-203	Superintendent or child identification system coordinator	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. This process may be initiated by anyone with direct knowledge of the child, such as (1) School personnel (e.g., principals, teachers, counselors, nurses); (2) Parents; (3) Students; (4) Outside agency personnel; (5) Physicians; or (6) Others.	CI-203		Anytime
c. The person initiating the request will be advised that it is necessary to complete, to the extent possible, the Request for Assistance Form. If necessary, assistance in the completion of the form will be provided.	Form CI-204 or CI-205	Referral source(s)	Anytime
d. Each school building shall identify the appropriate person to whom the Request for Assistance Form shall be submitted.	CI-203	Building principal or designee	
Note: The following activities described in items e.-i. refer to the Intervention Assistance Team process. This process is designed to collect information resulting in intervention. The data collected may be used to assist in the determination of whether the child is suspected of having a disability. While not mandated by *The Individuals with Disabilities Education Act (IDEA),* these activities are encouraged. The district may choose to utilize district-developed forms as part of the intervention process (refer to Appendix B: Sample Building Team Forms). Beginning with item j. of this section, Form CI-204 or CI-205 and Form CI-211 must be completed when the student is referred for a multifactored evaluation.	Form CI-207❖		
❖e. Parents should be involved and/or notified whenever there are educational concerns about their child.	Form CI-206❖	Building principal or designee	Prior to referral
❖f. Parent permission is recommended, whenever the following activities occur: (1) Collection of additional information; (2) Consultation; (3) Observation; (4) Interviews; (5) Referral to other sources; (6) Counseling services; and	Form CI-213❖	Building team chair or early childhood team chair	

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(7) Assessment (e.g. curriculum-based screening and other appropriate measures to determine interventions).			
Note: The district will obtain parent permission whenever an individual evaluation is conducted with an individual child.	Form CI-213❖		
❖g. A team will make a determination of assistance.	Form CI-204 or CI-205	Building team chair or early childhood team chair	
(1) Information submitted on the Request for Assistance Form, and school records, shall be reviewed by a team, such as the intervention assistance team, building assistance team, or early childhood team.	Form CI-204 or CI-205 and Forms CI-207❖ and CI-211	Building team chair or early childhood team chair	Immediately
(2) The building assistance team develops interventions and designates the resources needed to implement identified interventions. If appropriate, the early childhood team develops interventions and designates the resources needed to implement identified interventions. Activities which are the basis for the interventions may include: • Collection of additional information; • Consultation; • Observation; • Interviews; • Referral to other sources; • Counseling; • Assessment; and • Professional development.	Form CI-207❖ or Refer to Appendix B	Building team chair or early childhood team chair	
Note: The district may choose to use Form CI-207❖ to document educational intervention(s) or develop a district form (refer to Appendix B for guidelines and sample forms).	Form CI-207❖		
(3) The team conducts follow-up activities and specifies a time line for completion.			
❖h. After this review, the activities of the team may include any one or all of the following: (1) Monitor progress of the intervention plan; (2) Develop additional interventions and monitor progress; and	Form CI-207❖ or Refer to Appendix A		
(3) Schedule a meeting, as outlined in item k., page 9, of this section.	Forms CI-208 and CI-209	Building team chair or early childhood team chair	

❖Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
❖i. The person who initiated the request for assistance will be notified about the follow-up actions to be taken. If the person who initiated the referral is not a school official of the district, parental consent for records release may be required.	Form CN-308	Building team chair or early childhood team chair	
j. In the case of limited English proficient (LEP) students, atypical or abnormal behavior and/or academic progress may be due to language and/or cultural barriers, or to lack of/different prior formal educational experiences. Therefore, before referring an LEP student suspected of having a disability for evaluation, efforts should be made to determine if a perceived "problem" is in fact due to one or more of the above conditions. If it is determined that such conditions do exist, the appropriate LEP services should be in place.	Form CI-204 or CI-205	Building principal or designee	
k. If either it is determined through the intervention team process or the referral source requests a determination of suspected disability, a group of qualified professionals with knowledge of the child shall meet to make the decision as to whether the child is suspected of having a disability. The parent must be notified and given an explanation of the process early enough to ensure they will have an opportunity to participate.	Form CI-204 or CI-205 and Forms CI-207❖, CI-208, CI-209, and CI-210❖	Building principal or designee	Immediately upon suspicion of disability
l. At this meeting, a determination of whether or not the child has a suspected disability is made. If it is determined that the child is suspected of having a disability, the date of the meeting becomes the date of referral and all related time frames are initiated. The planning for the multifactored evaluation may also occur, including:	Form CI-211	Building principal or designee	IEP conference must be held 90 calendar days from receipt of parent consent for MFE or 120 days from the date of referral
(1) Review of existing evaluation data on the child; and (2) Identifying, on the basis of that review and input from the child's parents, what additional data is needed.	Form MFE-501c or MFE-501d		
m. In the event that the student does not reside within the district and a referral is made for a multifactored evaluation, the school district of residence must be notified.	Form CI-212	Superintendent or designee	Immediately
n. The pre-evaluation activities will be conducted in accordance with federal and state law, including:	Form MFE-501c or MFE-501d	Superintendent or designee	Within 30 calendar days from the date of referral
(1) Provision of written notice of procedural safeguards; and	Forms PS-406 and PS-401		
(2) Obtaining informed parental consent.	Form PS-402 and Form MFE-501c or MFE-501d		

❖Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
o. If at any time the parent(s) requests a multifactored evaluation, it must be conducted by the district, and an IEP conference must be held within 90 days after parental consent for the multifactored evaluation is obtained, or 120 days after the referral, whichever comes first. **Refer to Section 4: Procedural Safeguards, for additional information regarding required procedures to be followed when a child is suspected of having a disability.** **NOTE:** A referral for Multifactored Evaluation (MFE) consists of the following completed forms: 1) Form CI-204, School-Age Request for Assistance, or Form CI-205, Preschool Request for Assistance; 2) Documentation of Interventions (Form CI-207❖), if appropriate; and 3) Form CI-211, Determination of Suspected Disability.	Form CI-211 or Parent letter requesting MFE and Form MFE-501a-o	MFE team	Ninety calendar days from receipt of parent consent for MFE

Related Appendices:

Appendix B: Sample Building Team Forms

Additional Resources:

- Ohio Department of Education. (1985). *Intervention assistance teams.* Columbus, OH: Author.
- Ohio Department of Education. (1988). *Intervention assistance team models: Sharing the responsibility for success.* Columbus, OH: Author.
- Ohio Department of Education. (1990). *Secondary-level intervention assistance team models: Sharing the responsibility for success.* Columbus, OH: Author.

❖Denotes optional procedure/form

SECTION: Child Identification

TOPIC: Out-of-School Identification

FEDERAL STATUTE: 20 USC 1412(a)(3) **Child find.**

(Refer to page 1 of this section for the Federal Statute)

FEDERAL REGULATION: 34 CFR §§300.125 and 300.572(c)

§300.125 Child find.

(Refer to pages 1 and 2 of this section for the Federal Regulation)

§300.572(c) Safeguards.

All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.127 and 34 CFR part 99.

STATE RULE:

a. School district responsibilities for an ongoing identification system:

(i) Each school district shall be responsible for planning and implementing an ongoing system for the identification of all out-of-school children with disabilities under twenty-two years of age who reside within the school district and who may be in need of a special education program and related services as well as those children with disabilities currently not in public school but being served by private or other nonpublic agencies.

(ii) The system shall include the major features described in the intensive awareness campaign and child information management system, (i.e., public notice, awareness, data collection, and data reporting).

(iii) The school district may choose to cooperate with other school districts and other agencies in planning and/or implementing out-of-school child identification procedures.

(iv) The superintendent of the school district, or the superintendent's designated representative, shall be responsible for planning, implementing, and coordinating the out-of-school child identification system.

(v) The system shall include forms and/or mechanisms and procedures for the ongoing referral of children with disabilities to the school district by any person or agency who may have information regarding children with disabilities.

(vi) All persons involved in the collection of data shall have received prior training and written information regarding the procedures to be followed in collecting the data.

(vii) If the district should choose to conduct a door-to-door census, all census takers shall have proper credentials that clearly identify themselves as census takers representing the school district.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district will ensure that all activities of the out-of-school identification system are planned, coordinated, and implemented.		Superintendent or child identification system coordinator	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
a. The school district will maintain a current listing of relevant agencies within the district.	List of agencies	Superintendent or child identification system coordinator	
b. A letter will be sent explaining the out-of-school identification system to listed agencies, and requesting their assistance in locating children with disabilities.	Form CI-202	Superintendent or child identification system coordinator	Annually
c. Persons or agencies making referrals shall follow in-school identification procedures as listed in this section.	CI-203 and Forms CI-204 and CI-205	Superintendent or child identification system coordinator	
d. The out-of-school identification system shall include a notice which (1) Is adequate to inform the public of activities to identify children with disabilities including: (a) The purpose of the identification activities and a description of the children on whom data will be maintained; (b) Types of data sought, methods, and sources to be used in gathering data, and the uses to be made of the data; (c) A summary of the policies and procedures to be followed regarding storage, disclosure, retention, and destruction of all personally identifiable data; and (d) A description of the rights of parents and children regarding this data; and (2) Shall (a) Be published in a newspaper having significant circulation within the school district and geographic area covered by the identification activities; and (b) Be given in the native languages of the various populations within the school district.	CI-201	Superintendent or child identification system coordinator	Jan.- Dec. of intensive awareness campaign year
e. The district may choose to cooperate with other school districts and other agencies in planning and/or implementing out-of-school child identification procedures.	Interagency agreements	Superintendent or child identification system coordinator	
f. All persons involved in the collection of data, such as building principals, building secretaries, and others shall have received prior training and written information regarding the procedures to be followed in collecting the data.	Form CN-309	Superintendent or child identification system coordinator	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
g. If the district should choose to conduct a door-to-door census, all census takers shall have proper credentials that clearly identify themselves as census takers representing the school district.		Superintendent, child identification system coordinator, or records control officer	
h. The out-of-school identification system shall include the major features described in Intensive Awareness Campaign and Child Information Management System of this section.	CIMS (refer to Appendix C)		

Related Appendices:

Appendix C: Sample Child Information System (CIMS)

SECTION: Child Identification

TOPIC: Transition: Early Intervention (Part C) to Preschool Special Education Programs (Part B)

FEDERAL STATUTE: 20 USC 1412(a)(9) **Transition from part C to preschool programs.**

Children participating in early-intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

FEDERAL REGULATION: 34 CFR §§300.132 and 303.148(b)(2)(i)

§300.132 Transition of children from part C to preschool programs.

The State must have on file with the Secretary policies and procedures to ensure that—

(a) Children participating in early-intervention programs assisted under Part C of the Act, and who will participate in preschool programs assisted under Part B of the Act, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8) of the Act;

(b) By the third birthday of a child described in paragraph (a) of this section, an IEP or, if consistent with Sec. 300.342(c) and section 636(d) of the Act, an IFSP, has been developed and is being implemented for the child consistent with §300.121(c); and

(c) Each LEA will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8) of the Act.

§303.148(b)(2)(i) Transition to preschool programs.

(b) A description of how the lead agency under this part will—

(2)(i) In the case of a child who may be eligible for preschool services under Part B of the Act, with the approval of the family of the child, convene a conference among the lead agency, the family, and the local educational agency at least 90 days, and at the discretion of the parties, up to 6 months, before the child is eligible for the preschool services, to discuss any services that the child may receive.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. For children below age three, transition from early intervention to preschool special education and related services is accomplished by developing an IEP comprehensive service-delivery statement. The school district shall follow procedures as established by the Interagency Agreement on Transition (refer to Appendix D).	Form IEP-607	Superintendent or designee	Six months prior to child reaching age three
2. The school district shall participate in transition planning conferences arranged by the child's family service coordinator with approval of the family of the child.		Superintendent or designee	

Related Appendices:

Appendix D: Interagency Agreement on Transition From Early Intervention (Part C) to Preschool Special Education Programs (Part B) or Other Appropriate Services

SECTION: Child Identification

TOPIC: Intensive Awareness Campaign

FEDERAL STATUTE: 20 USC 1412(a)(3) **Child find.**

(Refer to page 1 of this section for the Federal Statute)

FEDERAL REGULATION: 34 CFR §300.125 **Child find.**

(Refer to pages 1 and 2 of this section for the Federal Regulation)

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Beginning with the first day of school in January 1984, and every third year thereafter, the school district shall initiate an intensive awareness campaign as part of the out-of-school identification system.			
2. The school district shall document that an attempt was made to contact every household within the school district at least once during the campaign by mail, telephone, household visit, a notice published in a newspaper, or other appropriate methods.	CI-201 and Form CI-202	Superintendent or child identification system coordinator	Jan. - Dec. of campaign year
3. The intensive awareness campaign shall include a notice which a. Is adequate to inform the public of activities to identify children with disabilities including: (1) The purpose of the identification activities and a description of the children on whom data will be maintained; (2) Types of data sought, methods, and sources to be used in gathering data, and the uses to be made of the data; (3) A summary of the policies and procedures to be followed regarding storage, disclosure, retention, and destruction of all personally identifiable data; and (4) A description of the rights of parents and children regarding this data; and	CI-201	Superintendent or child identification system coordinator	Jan. - Dec. of campaign year
b. Shall (1) Be published in a newspaper having significant circulation within the school district and geographic area covered by the identification activities; and (2) Be given in the native languages of the various populations within the school district.	CI-201	Superintendent or child identification system coordinator	Jan. - Dec. of campaign year

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. The school district, individually or in cooperation with other districts and/or agencies, shall use public awareness procedures to a. inform the population of the purposes of the child identification activities; and b. urge their cooperation. 5. To disseminate information, the school district shall use a. mass media such as television, radio, and newspapers; b. oral presentations to local organizations and agencies involved with providing services to children with disabilities; and c. printed materials such as posters, fliers, brochures, and newsletters distributed to households within the district and for display in local business establishments.	Documents on file	Superintendent or child identification system coordinator	Jan. - Dec. of campaign year
6. The school district shall maintain a file documenting all activities.	Documents on file	Superintendent or child identification system coordinator	

SECTION: Child Identification

TOPIC: Child Information Management System (CIMS)

FEDERAL STATUTE: 20 USC 1412(a)(3) **Child find.**

(Refer to page 1 of this section for the Federal Statute)

FEDERAL REGULATION: 34 CFR §300.125 **Child find.**

(Refer to pages 1 and 2 of this section for the Federal Regulation)

STATE RULE:

a. The written child information management system procedures shall be implemented to assure a practical method of identifying which children are currently receiving special education and related services and which children are not currently receiving special education and related services.

b. The child information management system procedures shall be designed to record data on each child and shall include at least the following types of data:

   (i) Child's name, address, and birthdate;

   (ii) Child's parent's name and address;

   (iii) Child's suspected disabilities;

   (iv) Dates of referral, multifactored evaluation, IEP conference, actual placement, and periodic program reviews; and

   (v) Physical location of where the child is currently receiving the educational program.

c. The data shall be organized so that it can readily be determined whether the child is receiving an appropriate public education, a partial education, or no education at all.

d. If the child is not receiving an appropriate public education, the reasons why shall be recorded.

e. Data regarding each child with a suspected or confirmed disability shall be obtained in accordance with the following:

   (i) Requirements for confidentiality of data shall be followed in the collection, retention, use and destruction of this data as outlined in paragraph B. of this rule. (See Section 3, Confidentiality)

   (ii) The superintendent of the school district or state institution, or the superintendent's designated representative, shall be responsible for the collection and reporting of data.

   (iii) The school district shall assure confidentiality and security of child data.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall maintain a child information management system, which is a practical method of identifying which children are currently receiving special education and related services and which children are not receiving special education and related services.	Refer to Appendix C District will utilize a system	Superintendent or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. The child information management system shall provide for data to be organized so that it can readily be determined whether the child is receiving an appropriate public education, partial public education, or no education at all. This system may be maintained manually or electronically.	CIMS	Superintendent or designee	
3. In the event a child is not receiving an appropriate public education, the specific reasons shall be recorded and entered as data into the CIMS.	CIMS	Superintendent or designee	
4. The system shall record personally identifiable information on children with disabilities, including: a. The child's name, address, and birthdate; b. The child's mother's name and address; c. The child's father's name and address; d. The dates of referral, multifactored evaluation, IEP conference, actual placement, and periodic program reviews; e. The child's suspected disabilities or deficits for preschool children; f. The physical location (building and school district) where the child is currently receiving the educational program; and g. Other data that may be appropriate.	CIMS	Superintendent or designee	
5. The school district shall be responsible for the collection and reporting of all personally identifiable data maintained through the child information management system.		Superintendent or designee	
6. The school district assures the confidentiality and security of personally identifiable data maintained in the CIMS and shall follow the requirements for confidentiality in the collection, retention, use, and destruction of data, as specified in Section 3: Confidentiality.		Superintendent or designee	

SECTION: Child Identification

TOPIC: Child Information Management System - Child Count

FEDERAL STATUTE: 20 USC 1418 **Program Information.**

(a) *In General.*—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide data each year to the Secretary—

(1) (A) on—
- (i) the number of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education;
- (ii) the number of children with disabilities, by race and ethnicity, who are receiving early intervention services;
- (iii) the number of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education;
- (iv) the number of children with disabilities, by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;
- (v) the number of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services;
- (vi) the number of children with disabilities, by race and ethnicity, who, from birth through age 2, stopped receiving early intervention services because of program completion or for other reasons; and
- (vii) (I) the number of children with disabilities, by race, ethnicity, and disability category, who under subparagraphs (A)(ii) and (B) of section 615(k)(1), are removed to an interim alternative educational setting;
  - (II) the acts or items precipitating those removals; and
  - (III) the number of children with disabilities who are subject to long-term suspensions or expulsions; and

(B) on the number of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in section 632), and who are receiving early intervention services under part C; and

(2) on any other information that may be required by the Secretary.

(b) *Sampling.*—The Secretary may permit States and the Secretary of the Interior to obtain the data described in subsection (a) through sampling.

(c) *Disproportionality.*—

(1) *In General.*—Each State that receives assistance under this part, and the Secretary of the Interior, shall provide for the collection and examination of data to determine if significant disproportionality based on race is occurring in the State with respect to—

(A) the identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3); and

(B) the placement in particular educational settings of such children.

(2) *Review and Revision of Policies, Practices, and Procedures.*—In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, in accordance with paragraph (1), the State or the Secretary of the Interior, as the case may be, shall provide for the review and, if appropriate, revision of the policies, procedures, and practices used in such identification or placement to ensure that such policies, procedures, and practices comply with the requirements of this Act.

FEDERAL REGULATION: 34 CFR §300.754 **Annual report of children served—other responsibilities of the state educational agency.**

In addition to meeting the other requirements of §§300.750-300.753, the SEA shall

(a) Establish procedures to be used by LEAs and other educational institutions in counting the number of children with disabilities receiving special education and related services;

FEDERAL REGULATION: (Continued)

(b) Set dates by which those agencies and institutions must report to the SEA to ensure that the State complies with §300.750(a);

(c) Obtain certification from each agency and institution that an unduplicated and accurate count has been made;

(d) Aggregate the data from the count obtained from each agency and institution, and prepare the reports required under §§300.750 - 300.753; and

(e) Ensure that documentation is maintained that enables the State and the Secretary to audit the accuracy of the count.

STATE RULE:

Data reporting.

The reporting of child data shall be conducted in accordance with the following policies and procedures:

(i) Each school district shall prepare a summary report of child data on forms provided by the Ohio Department of Education. Such summary reports shall be on file within the school district and shall be open to the public for inspection upon request.

(ii) A summary of the child data shall be submitted by each school district to the Ohio Department of Education on prescribed forms and in the prescribed manner.

(iii) Child data from state institutions operated under the Ohio Department of Mental Health, Ohio Department of Mental Retardation and Developmental Disabilities, Department of Youth Services, and the Ohio Central School System shall be reported by these agencies directly to the Ohio Department of Education on prescribed forms and in the prescribed manner.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A summary report of the child data shall be prepared and submitted in a manner prescribed by the Ohio Department of Education.	Required state forms	Superintendent or designee	As determined by ODE
a. The IEP team chairperson will report special education student data to the EMIS coordinator.	Form CI-214	IEP team chair	Immediately following IEP meeting
b. The EMIS coordinator shall ensure that all appropriate data is recorded in the EMIS files.	EMIS files	EMIS coordinator	As determined by ODE
2. This summary report shall be on file within the district and may be opened to public inspection upon request.	Required state forms	Superintendent or designee	As determined by ODE
3. The school district shall report a summary of the child data from the in-school child identification system to the Ohio Department of Education on the prescribed forms and in the prescribed manner.	Required state forms	Superintendent or designee	As determined by ODE
4. The district will ensure that appropriate and accurate data are reported to the Ohio Department of Education. The collection and examination of data will be used to determine if significant disproportionality, based on race, is occurring in the State or in the schools operated by the State with respect to:	Required state forms	Superintendent or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
a. The number of children with disabilities, by race, ethnicity, and disability category, who are receiving a free appropriate public education;			
b. The number of children with disabilities, by race and ethnicity, who are receiving early intervention services;			
c. The number of children with disabilities, by race, ethnicity, and disability category, who are participating in regular education;			
d. The number of children with disabilities by race, ethnicity, and disability category, who are in separate classes, separate schools or facilities, or public or private residential facilities;			
e. The number of children with disabilities, by race, ethnicity, and disability category, who, for each year of age from age 14 to 21, stopped receiving special education and related services because of program completion or other reasons and the reasons why those children stopped receiving special education and related services;			
f. The number of children with disabilities, by race and ethnicity, who, from birth through age 2, stopped receiving early intervention services due to program completion or other reasons;			
g. The number of children with disabilities, by race, ethnicity, and disability category, who are removed to an interim alternative educational setting due to code of conduct or drug/weapon violations (refer to Section 4: Procedural Safeguards, pages 25 to 33): (1) The acts or items precipitating those removals; and (2) The number of children with disabilities who are subject to long-term suspensions or expulsions; and			
h. The number of infants and toddlers, by race and ethnicity, who are at risk of having substantial developmental delays (as described in Federal Statute: 20 USC 1432), and who are receiving early intervention services under Part C.			
5. If the district or the Ohio Department of Education determines a significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of such children, the district will review policies and procedures, and revise district practices used in identification or placement to ensure that policies, procedures, and practices are being implemented and comply with the requirements of this Act.		Superintendent or designee	
a. In the case of significant disproportionality with respect to the identification of children as children with disabilities, the district must have policies, procedures, and practices that do not result in improper classification by disability or lead to misidentification.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. In the case of significant disproportionality with respect to the placement of children as children with disabilities, the district must have policies, procedures, and practices that do not result in placements that are more restrictive than the needs of the child.			

Related Appendices:

Appendix C: Sample Child Information Management System (CIMS)

Sample Awareness Notice

To: Media

SEARCH FOR CHILDREN WITH DISABILITIES UNDERWAY

School districts across the state of Ohio are participating in an effort to identify, locate, and evaluate all children from birth through 21 years of age who may have disabilities. Disability, in this instance, means such conditions as hearing impairments, visual impairments, speech or language impairments, specific learning disabilities, emotionally disturbed, multiple disabilities, mental retardation, other health impairments, physical impairments, autism, and traumatic brain injury. Public schools have responded vigorously to federal and state mandates requiring the provision of a free appropriate public education regardless of a child's disability. But before school districts can serve children, they must be found. Many children with disabilities are not visible because they do not function in the mainstream of the community, such as children who are homeless and children of migrant families. Also, many unidentified children with disabilities are preschoolers. Parents may not be aware their child has a disability or that there are programs and services available.

The school district will ask for information about the child, asking such questions as: What is the problem? What has already been done about the problem? What background information is available? This information may be collected in several ways including interviews, observations, screening, and testing. This information may be obtained from parents and the student, or from other agencies that have information about the student. This information will be used to decide whether the child has a disability and needs special services.

All information collected will be held in strict confidence and released to others only with parent permission or as allowed by law. For example, the school district will send records on request to a school district or other educational agency in which a student intends to enroll. The parents may have a copy of those records upon request.

The school district will keep a record of all persons who review confidential records with the exception of authorized school employees, or other educational agency personnel. The school will also maintain a list of those employees who may have access to records.

The school district or other educational agency will inform the parents when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. All personally identifiable data will be kept for at least five years or longer if required for audit purposes, or otherwise required by law.

Parents and students have rights in this process. Parents have the right to

- Review their child's records;
- Refuse permission to release information (except as required by, or permitted by, law to be released); and
- Request that information they believe to be inaccurate, misleading, or in violation of their child's privacy or other rights be changed. The district has a process to resolve disagreements about information collected.

The school district has appointed one person to make sure that information about students is kept confidential. Contact your school district board of education office for this person's name.

The school district's policies and procedures for special education are available. Contact the school district superintendent.

The school district operates a Child Information Management System (CIMS) that assures a practical method of identifying which children are currently receiving special education services and which children are not. Certain data regarding children are maintained within this system.

School districts are interested in meeting the needs of children with disabilities. If you have or know of a child who may have a disability, contact your local school for more information and help.

TO: Professional Staff
Agencies

IDENTIFICATION EFFORT
(Sample Letter, Superintendent to Staff)

TO: All Professional Staff of the ______________________________ District

and Agencies ______________________________________

FROM: ______________________________________, Superintendent

DATE: __________

SUBJECT: **IDENTIFICATION SYSTEM**

The 1997 Amendments to the Individuals with Disabilities Education Act mandate that every school district in the country develop a system to identify children with disabilities, birth through age 21, who live in the district. The law requires each district to conduct a "vigorous" search for children with disabilities. The rules adopted by the Ohio Board of Education, direct that, in addition to a three-year intensive search, school districts must conduct an annual in-school effort to identify and provide services to children with disabilities.

Every year in September, the ____________________ (District's Name) continues its effort to identify in-school children with disabilities. Since 1984, and every third year thereafter, the ____________________ (District's Name) has conducted and will continue to conduct an intensive awareness campaign throughout the community to locate, identify, and evaluate children with disabilities under the age of twenty-two. The assistance of all staff members and agency personnel is needed to accomplish this task.

Any child that you suspect has a disability should be referred to the child's building principal or ____________________ (Name of person responsible for identification activities/Title) who can be reached at __________ (Phone Number) within the school district. Either of these individuals will provide additional information about the differentiated referral system.

Few legislative mandates of the federal government have such far-reaching implications for local school districts. The district is committed to working with the community in providing services that meet the individual needs of each child. We request your cooperation and assistance in meeting this challenge.

Thank you.

To: Professional Staff
Agencies

CI-203

INFORMATION REGARDING DIFFERENTIATED REFERRAL SYSTEM

What is a differentiated referral system?

The differentiated referral system is a process for determining or differentiating the type, extensiveness, and priority of services or interventions necessary to address identified concerns.

For whom should assistance be requested?

Any child having difficulties which may require a team approach to address.

Who may request assistance?

Anyone who has direct knowledge of the child.

How is a request made?

1. The process is initiated at the building level. Contact the school office for a Request for Assistance Form (Form CI-204 or 205);

OR

2. If the child is not enrolled in the district schools, contact ______________________________

______________________________.

What happens next?

1. The Request for Assistance Form (Form CI-204 or 205) and school records are reviewed by a multidisciplinary team of professionals (e.g., intervention assistance team, building assistance team, or early childhood team).

2. A meeting of qualified professionals and the parent(s) will be scheduled to determine what activities are needed to assist the student. These may include the following:

   - Collection of additional information
   - Consultation
   - Observation
   - Interventions
   - Referral to other sources
   - Interviews
   - Counseling
   - Assessment (e.g., curriculum-based, screening, or other appropriate measures to determine interventions)
   - Professional development
   - Determine if there is a suspected disability

3. If the referral was for a suspected disability, the team will meet to determine if a disability is suspected and, if necessary, plan the multifactored evaluation.

   If the parent(s) suspects that their child has a suspected disability, a multifactored evaluation must be completed.

Note: In the event that the student has a suspected disability, the IEP meeting shall be held not more than 90 calendar days after parental consent for multifactored evaluation has been received or within 120 calendar days after the date that a student is referred as a child with a suspected disability, unless a longer time span is mutually agreed upon in writing by the parent and the school district.

Copies: Student/Building File

CI-204
(Page 1 of 5)

SCHOOL-AGE REQUEST FOR ASSISTANCE

Identifying Data

Name:____________________
Date of Birth:____________________
Address:____________________
Phone:____________________
Legal Guardian:____________________
Address(if different than student):____________________
Phone(if different than student):____________________

Father:____________________
Address(if different than student):____________________
Home Phone(if different than student):____________________
Work Phone:____________________
Mother:____________________
Address(if different than student):____________________
Home Phone(if different than student):____________________
Work Phone:____________________

Parents' Native Language(if not English):____________________

Student's Native Language(if not English):____________________

Student ID Number:____________________

Building of Current Attendance:____________________

Grade:______ Present Teacher(s):____________________

If the student or parent need assistive technology, environmental adaptation, or other such accommodations in order to attend meetings or understand the content of written and/or verbal information, please specify/explain:____________________

Reason for Request for Assistance:____________________

Educational History

Number of school districts attended:______ Years at present school:____________

Attendance: ☐ Regular ☐ Irregular (explain)____________________

Is this student age-appropriate for grade level? ☐ Yes ☐ No

If **No**, check all that apply
- ☐ Retained (specify grade)__________
- ☐ Started school late
- ☐ Held out of school by parent
- ☐ Unknown

Indicate any current or past supplemental programs/services (Title 1, Preschool, Reading Recovery, etc.)
____

- Attach copies of district test results (Proficiency, Competency-Based Education, etc.).

Background Information

A. Health Data

Do you suspect problems with ☐ Vision ☐ Hearing
Does the student ☐ Wear glasses ☐ Use hearing aid(s)
Does the student take medication ☐ Yes ☐ No

If **Yes**, specify type and purpose:

Does the student have any health/developmental/physical problems of which you are aware? ☐ Yes ☐ No

If **Yes**, explain:

B. Environmental Factors

Describe any specific home factors that might affect the student's performance in school:

Areas of Educational Concern

Skill Areas: For each of the following, check areas of concern and describe the student's current levels of educational functioning in those areas as determined by current classroom-based assessments and observations. Attach additional pages as needed.

A. Academic

☐ Reading
☐ Content Areas
☐ Written Language
☐ Math
☐ Other (specify):

1. What specific skills does the student have in the above-checked areas?

2. What specific skills does the student **not** have in the above-checked areas?

3. What instructional approach has/is being used?

4. How much instruction does the student receive (daily/weekly) and in what setting?

5. What has been done to address the problem?

6. How does performance in the above-checked areas affect the student's performance in other areas of the curriculum and/or behavior?

B. Communication

☐ Articulation
☐ Fluency
☐ Language Comprehension
☐ Social Language (Pragmatics)
☐ Verbal Expression
☐ Limited English Proficiency (English Language Limited)
☐ Voice
☐ Other (specify):

Describe difficulties as indicated above:

How do the difficulties affect performance in the curriculum and/or behavior?

C. Motor

☐ Fine Motor Coordination
☐ Gross Motor Coordination
☐ Visual Motor Coordination
☐ Other (specify)

Describe difficulties as indicated above:

How do the difficulties affect performance in the curriculum and/or behavior?

____

____

____

D. Behavior

☐ Attention Span
☐ Withdrawal
☐ Other (specify)______________________________
☐ Activity Level
☐ Peer Relationships
☐ Acting Out
☐ Adult Relationships

Describe difficulties as indicated above, including the frequency, severity, and under what conditions/settings the behavior occurs:______________________________

____

How do the behavioral conditions affect performance in the curriculum?

____

____

E. Related Areas

☐ Self-Help Skills
☐ Test-Taking Skills
☐ Study Skills
☐ Other (specify)______________________________
☐ Organizational Skills

Describe difficulties as indicated above:______________________________

____

____

How do the difficulties affect performance in the curriculum and/or behavior?

____

____

____

F. Strengths and Interests

Describe the student's strengths and interests:______________________________

____

____

G. Parental Involvement

Date(s) parent(s) was contacted regarding the concern(s):______________________________

How has the parent been involved in addressing the current concern?______________________________

____

____

H. Other

Is there any other pertinent information not previously described?

____

____

____

Signature of Person Initiating the Request for Assistance

Position or Relationship to Student

Date

Signature of Person Receiving the Request for Assistance

Title

Telephone Number

Date

Initial Meeting Date:______________

Outcome of Meeting:______________

Follow-up Meeting Date:______________

Outcome of Meeting:______________

Follow-up Meeting Date:______________

Outcome of Meeting:______________

☐ I am requesting a meeting to determine if this student may be suspected of having a disability.

Signature

Date

The team, which includes the parents, will review all available information and complete Form CI-211.

NOTE: A referral for Multifactored Evaluation (MFE) consists of the following completed forms:

1) Form CI-204, School-Age Request for Assistance;
2) Form CI-207❖, Documentation of Interventions, if appropriate; and
3) Form CI-211, Determination of Suspected Disability.

❖Denotes optional procedure/form

Copies: Student/Building File

CI-205
(Page 1 of 5)

PRESCHOOL REQUEST FOR ASSISTANCE

Identifying Data

Name:____________________
Date of Birth:____________________
Address:____________________
Phone:____________________
Legal Guardian:____________________
Address(if different than student):____________________
Phone(if different than student):____________________

Father:____________________
Address(if different than student):____________________
Home Phone(if different than student):____________________
Work Phone:____________________
Mother:____________________
Address(if different than student):____________________
Home Phone(if different than student):____________________
Work Phone:____________________

Parents' Native Language(if not English):____________________

Student's Native Language(if not English):____________________

Student ID Number:____________________

Building of Current Attendance:____________________

Grade:______ Present Teacher(s):____________________

If the student or parent need assistive technology, environmental adaptation, or other such accommodations in order to attend meetings or understand the content of written and/or verbal information, please specify/explain:____________________

Reason for Request for Assistance:____________________

A. Family History

1. With whom does the child live?____________________
2. Indicate siblings or any other individuals living with the child.

Names	Ages	Relationship to Child

3. With whom does the child stay during the day?

____

(Name of person and relationship to child, or care center)

4. Describe any unique family circumstances that have a significant impact on this child's development:

B. What is the child currently doing?

Please check **ONE** box in each section that most closely describes what the child is doing now.

Method Used: (✔) Check ☐ Observation ☐ Structured Interview

Name and Title of Person Completing Form:____

Eating

☐ Needs to be fed
☐ Picks up food and eats with fingers
☐ Feeds self with spoon
☐ Eats and drinks independently

Dressing

☐ Needs to be dressed
☐ Removes small articles of clothing
☐ Puts on some clothes such as socks, shirt, and/or pants
☐ Dresses self except shoes

Toileting

☐ Wears diapers
☐ Uses potty with help or with reminders
☐ Independent

Attention

☐ Needs constant attention/supervision
☐ Occupies self with toys for 10 or more minutes
☐ Attends to small-group activity for 10 or more minutes

Receptive Communication

☐ Does not appear to understand words
☐ Shows understanding of several words (e.g., "mommy" or "pop")
☐ Can follow simple directions such as "Give Daddy the ball"

Expressive Communication

☐ Uses gestures and/or sounds
☐ Says at least 10 words you can understand
☐ Says two or three words together
☐ Can carry on a simple conversation
☐ Repeats easy rhymes/jingles
☐ Can be understood by people not familiar with his/her speech

Hearing

☐ Does not respond regularly to sounds
☐ Looks at or reacts correctly to sources of sounds (looks at phone when it rings, looks out the window when a truck passes, turns when name is called)
☐ Responds to simple directions given when back is turned

Cognitive

☐ Looks for toy or person who is out of sight
☐ Shows understanding of how things work by turning things on/off, activating a variety of toys or directing adults to do so
☐ Sorts toys or objects by at least one feature (e.g., color, size, shape)
☐ Counts to four and names two or three colors

Fine Motor

☐ Needs help to pick up small pieces of food or small toys
☐ Independently picks up small toys and transfers from hand to hand
☐ Scribbles on paper
☐ Draws some recognizable shapes/pictures

Play

☐ Needs stimulation to be provided by another person
☐ Holds and manipulates toys (e.g., shakes, chews, bangs)
☐ Uses some toys and objects appropriately (e.g., pushes truck, rocks baby, uses brush to brush hair)
☐ Uses imagination to play (e.g., pretends to cook dinner, pretends to be Mommy going to work, dresses like Daddy)

Gross Motor

☐ Needs to be carried or moved by another person
☐ Crawls
☐ Walks holding onto furniture
☐ Walks independently
☐ Demonstrates balance and coordination (e.g., jump/hop)

Vision

☐ Does not show recognition of people or objects by sight
☐ Recognizes familiar people and toys, locates familiar objects in the house (e.g., shoes, tooth brush, TV)
☐ Points to and names things and people in pictures

Social

☐ Shows little response to other people
☐ Enjoys frolic play, peek-a-boo, pat-a-cake
☐ Plays along side other children (parallel play)
☐ Sometimes shares toys and cooperates in play
☐ Takes turns in simple games (e.g., Duck, Duck Goose, The Farmer in the Dell)

C. What concerns are there about this child?

Information supplied by: ☐ Parent ☐ Teacher ☐ Other (specify):____________________

Please check the area(s) which are of concern:

☐ Eating ☐ Dressing ☐ Toileting ☐ Attention ☐ Receptive Communication

☐ Expressive Communication ☐ Hearing ☐ Cognitive ☐ Fine Motor

☐ Play ☐ Gross Motor ☐ Vision ☐ Social/Emotional Behavior

For each area that is checked above, please explain why this is a concern by describing:

1. What the child is/is not doing:

____

____

2. How this behavior interferes with the child's typical daily routines:

____

____

3. How long this concern has been observed/evident:

____

____

Describe the things that have been done (interventions) to address the concerns listed above:

____

____

____

____

____

____

____

____

D. Medical History

1. Who is the child's regular physician?____________________________

2. When was the child's last physical examination?________________________

3. The child's birth followed a full-term pregnancy with no complication prior to or immediately following the delivery. Yes ☐ No ☐ (if no, please describe)

4. Parents and medical records indicate a history of significant health concerns, major childhood illnesses/disease, or diagnosed syndromes. No ☐ Yes ☐ (if yes, please describe)

5. The child takes medication on a regular basis. No ☐ Yes ☐ (if yes, please describe)

6. The child has food or environmental allergies. No ☐ Yes ☐ (if yes, describe the allergies)

7. The child has adaptive or medical needs (i.e., glasses, hearing aids, walkers, leg braces, wheelchair, specialized seating, prone stander, feeding tube, dietary restrictions, catheter, shunt, etc.). No ☐ Yes ☐ (if yes, please describe)

8. The child has vision within normal limits. Yes ☐ (provide documentation)

   No ☐ (provide documentation)

9. The child's hearing is within normal limits. Yes ☐ (provide documentation)

   No ☐ (provide documentation)

10. Other significant health/nutrition issues not covered in the previous questions:

____

____

____

E. Education/Intervention History

11. The child has participated in therapy (e.g., speech-language, occupational therapy, physical therapy, orientation and mobility, etc.) No ☐ Yes ☐

If **Yes**, please provide dates of therapy, type of therapy, contact person, address, and phone number:

____

____

12. The child participated in Early Intervention No ☐ Yes ☐

If **Yes**, provide dates of service, contact person, address, and phone:

____

____

13. The child has attended (is attending) a childcare, preschool, or Head Start Program.

No ☐ Yes ☐

If **Yes**, provide dates of attendance, contact person, address, and phone:

____

____

Signature of Person Initiating the Request for Assistance	Relationship to Child	Date
Signature of Person Receiving the Request for Assistance	Telephone Number	Date

Initial review of Request for Assistance: Date______________
Outcome:

Follow-up Date:______________
Outcome:

Follow-up Date:______________
Outcome:

☐ I am requesting a meeting to determine if this child may be suspected of having a disability.

Signature	Date

The team, including the parents, will review all available information and complete Form CI-211.

NOTE: A referral for Multifactored Evaluation (MFE) consists of the following completed forms:

1) Form CI-205, Preschool Request for Assistance;
2) Form CI-207❖, Documentation of Interventions, if appropriate; and
3) Form CI-211, Determination of Suspected Disability.

❖**Denotes optional procedure/form**

PARENT INVITATION TO PARTICIPATE IN SCHOOL-BASED INTERVENTION ASSISTANCE PROCESS

Date:_____

Dear Parent:

Your child, ______________________, has been referred to our school-based intervention assistance team. This team assists teachers with students who may have difficulties in school. The concerns about your child are____________________________

____

____

____

____.

You are invited to attend a meeting to discuss these concerns and possible interventions. We will meet on ___________ at ______________ in ________________________.
(Date) (Time) (Location)

Please contact your child's teacher if you cannot attend the meeting or if you have any information about the above concerns.

If you have other questions or concerns please contact____________________________
at_______________.
(Phone Number)

Sincerely,

____

❖**Denotes optional procedure/form**

DOCUMENTATION OF INTERVENTIONS

STUDENT NAME: ____________________
DATE OF BIRTH: ____________________
TEACHER(S): ____________________
SCHOOL: ____________________ GRADE: __________
DATE FORM COMPLETED: ____________________

BEHAVIORAL DESCRIPTION OF PROBLEM	INTERVENTIONS AND/OR ADAPTATIONS	EVALUATION PROCEDURES	PERSON RESPONSIBLE	RESULTS

PARTICIPANTS: ____________________
DATE OF INITIATION OF INTERVENTON(S): ____________________
DATE OF COMPLETION OF INTERVENTION(S): ____________________
DATE OF FOLLOW-UP MEETING(S): ____________________

❖Denotes optional procedure/form

CI-207❖

CI-208

Copies: Student File
Principal
Parent
Meeting Participants

PARENT INVITATION TO CONFERENCE

Date:__________________

Dear Parent:

Your child, ________________________________, is experiencing difficulty in the following areas:

____

____

____

____

____

A meeting to discuss these concerns and possible interventions, which may include referral for a suspected disability, has been set for ______________________
Time

on ______________________ at ______________________________.
Date Location

The following people will be in attendance:

______________________	______________________
Name and Title	Name and Title
______________________	______________________
Name and Title	Name and Title
______________________	______________________
Name and Title	Name and Title

We encourage you to attend and participate. The information you can provide about your child is important. You may bring other people who you think can assist in this important planning for your child.

Please complete and return the attached response form within five (5) days.

If you have any questions or need additional information, please contact:

______________________ ______________________
Name and Title Telephone Number

CI-209

Copies: Student File

PARENT INVITATION RESPONSE FORM

Please return this form to the person listed at the bottom of the page within five (5) days.

Name of Child:______________________________

☐ I will attend the meeting at the scheduled time. __________, __________
Date Time

☐ I want to come, but I cannot attend the meeting at the scheduled time.

Please contact me at ______________ to make other arrangements.

I am available ______________ ______________
Date(s) Time(s)

☐ I will need an interpreter (please specify):______________________.

☐ I have other special needs (e.g., accessibility, transportation - please specify):
______________________________.

☐ I cannot attend.

☐ I will be bringing guests. (It is not required that you bring guests, but you may bring other people to the meeting.) Their names are

____
Name

____
Name

____
Parent /Guardian Signature

____
Date

Please return this form to:

____
Name and Title

____
School

____
Address

____
Telephone Number

Copy: Student File

CI-210❖

DOCUMENTATION OF ATTEMPTS TO OBTAIN PARENT PARTICIPATION

Name of Child:________________________ Date of Birth:__________ School Year:________

Purpose of Meeting:

☐ Determination of Suspected Disability
☐ Initial IEP
☐ Annual Review of IEP
☐ Evaluation/Reevaluation
☐ Other____________________

Meeting Proposed for: Date:________________ Time:________________

Location:________________________________

Documentation of Attempts to Contact Parents

Forms of Contact	Date (s)	Outcome(s)
Correspondence		
Telephone Calls		
Home Visits		
Outreach Activities		
Other		

❖Denotes optional procedure/form

Copies: Parent
Student File

CI-211

DETERMINATION OF SUSPECTED DISABILITY

Name of Child:____________________ Date of Birth:____/____/____ Age:______

Student ID Number:____________________

The following individuals met on __________ (Date) to decide if there is a suspected disability:

Name and Title	Name and Title
Name and Title	Name and Title
Name and Title	Name and Title

Information used to make the decision about whether or not there is a suspected disability:
(Check information used)

☐ Request for Assistance
☐ Interview with ___Parent ___Primary Care Provider ___Child's Teacher
☐ Results of Interventions
☐ Observation
☐ Screening
☐ Other (specify)______

Summarize the most significant factors used by the team to make a decision, including any other options considered and the reasons why those options were rejected:________________.

Date of Referral:__________

☐ This child is NOT suspected of having a disability and there are no further recommendations.

☐ This child is NOT suspected of having a disability; however, the following activities/interventions are recommended:

☐ This child is suspected of having a disability. The completed Multifactored Evaluation Planning Chart (MFE-501c or MFE-501d) is attached.

Signature of Chairperson

Signature of Parent
[☐Agree ☐ Disagree]

☐ Although the team does not suspect a disability, I believe my child has a disability and request a multifactored evaluation.

(Signature of Parent(s)

If it is determined that the child is suspected of having a disability, and the parent(s) refuses permission for the multifactored evaluation (Form PS-402), the district may initiate a due process hearing.

Team members who disagree with the determination may attach a statement supporting their respective positions.

NOTE: A referral for Multifactored Evaluation (MFE) consists of the following completed forms:

1) Form CI-204, School-Age Request for Assistance, or Form CI-205, Preschool Request for Assistance;
2) Form CI-207✧, Documentation of Interventions, if appropriate; and
3) Form CI-211, Determination of Suspected Disability.

✧ Denotes optional procedure/form

Copies: Records Control Officer

CI-212

NOTIFICATION TO SCHOOL DISTRICT OF RESIDENCE OF STUDENT WITH A SUSPECTED DISABILITY

Student's Name:______________________________ Date of Birth:____/____/____

Address:______________________________ Telephone:______________

Legal Guardian:______________________________

Parents' Names:______________________________

Parents' Address:______________________________ Telephone:______________

Date:______________

Superintendent______________________________
School District of Residence______________________________
Address______________________________
City, State, Zip Code______________________________

Dear ______________________:

The above-named student, whose parent is a resident of your school district, is presently attending this school district. It has been determined that the student is suspected of having a disability and requires a multifactored evaluation.

This school district is required to provide the multifactored evaluation and may bill your district for the costs involved in this evaluation. However, you have the option of conducting the evaluation.

If you wish to conduct the evaluation, please contact ______________ (Name of Contact Person) by ______________ (Date).

If you have not contacted this district by the stated date, it will be assumed that you do not wish to conduct the evaluation. The date of referral was ________ and the multifactored evaluation must be completed and an IEP meeting held within 120 calendar days of that date or 90 calendar days from the date of parent permission, whichever comes first, unless a greater time span is mutually agreed upon by the parent and school district in writing.

You will be contacted after the completion of the multifactored evaluation and invited to attend the IEP meeting.

Sincerely,

______________________________ Superintendent or Designee	______________________________ School District of Attendance
______________________________ Title	______________________________ Address
______________________________ Telephone	______________________________ City/State/Zip Code

TO: Parent
Records Control Officer

CI-213❖

PERMISSION FOR REVIEW

I, ______________________________, hereby give my permission for the
Parent/Legal Guardian/Surrogate

______________________________ to respond to a request for assistance
School District

for______________________________.
Name of Child

In giving my permission, I understand that any or all of the following may occur:

1) Review of relevant records (releases of information will be included);

2) Interviews with caregiver or myself;

3) Observation(s) of my child;

4) Assessment (e.g., curriculum-based, screening, and other appropriate measures to determine interventions); and/or

5) Other (please specify):______________________________

____

I further understand and agree that the information collected by the school district will then be reviewed and the team will develop an intervention plan and designate the resources needed to implement these interventions.

____
Name of Parent/Legal Guardian/Surrogate

____
Signature

____
Date

❖**Denotes optional procedure/form**

Copies: EMIS Coordinator
Student File

CI-214
(Page 1 of 3)

BEGINNING WITH FISCAL YEAR 2001

EDUCATION MANAGEMENT INFORMATION SYSTEM (EMIS) INFORMATION COMPLETED AT IEP MEETING

Student Name:________________________ **ID Number:**__________ **Date of Birth:**____________

Teacher:________________________________ **Building of Attendance/IRN:**____________

District of Attendance/IRN:____________________ **District of Residence/IRN:**____________

Other:____________________________________

Please check the appropriate box(es) for each area

A. Disability Category

☐ 01 Multiple Disabilities (not deaf-blind)
☐ 02 Deaf-Blindness
☐ 03 Deafness (Hearing Impairment)
☐ 04 Visual Impairment
☐ 05 Speech or Language Impairment
☐ 06 Orthopedic Impairment
☐ 07 Other Health Impairment
☐ 08 Emotional Disturbance (SBH)
☐ 09 Mental Retardation (DH)
☐ 10 Specific Learning Disability
☐ 11 Preschoolers with a Disability
☐ 12 Autism
☐ 13 Traumatic Brain Injury

B. Prior Disability Category

☐ 01 Multiple Disabilities (not deaf-blind)
☐ 02 Deaf-Blindness
☐ 03 Deafness (Hearing Impairment)
☐ 04 Visual Impairment
☐ 05 Speech or Language Impairment
☐ 06 Orthopedic Impairment
☐ 07 Other Health Impairment
☐ 08 Emotional Disturbance (SBH)
☐ 09 Mental Retardation (DH)
☐ 10 Specific Learning Disability
☐ 11 Preschoolers with a Disability
☐ 12 Autism
☐ 13 Traumatic Brain Injury

C. Primary Service (Program Codes Corresponding to EMIS)

☐ 210021 Full-time in a regular class with special education/related services provided within the regular class
☐ 210022 Regular class with special education/related services provided outside the regular class for less than 21% of the time
☐ 210023 Regular class with special education/related services provided outside the regular class at least 21% and no more than 50% of the time
☐ 210024 Regular class with special education/related services provided outside the regular class at least 51% and no more than 60% of the time
☐ 210025 Regular class with special education/related services provided outside the regular class at least 61% of the time
☐ 210026 Self-contained special education class (100% of the time) operated by and located in a regular public or Community school building
☐ 210027 Self-contained special education class at least 50% of the time in a separate facility, and the remainder of the time in a regular public or Community school building
☐ 210028 Self-contained special education class (100% of the time) operated by the public school and located in a separate building exclusively for students with disabilities
☐ 210029 Special education/related services provided by the county board of mental retardation/developmental disabilities (CBMR/DD) in a chartered public school building 100% of the time, and students participate (academically or non-academically) outside the regular class for less than 21% of the time
☐ 210030 Special education/related services provided by CBMR/DD in a regular public or Community school building 100% of the time, and students participate (academically or non-academically) outside the regular class at least 21% of the time and no more than 60% of the time

☐ 210031 Special education/related services provided by CBMR/DD in a regular public or Community school building 100% of the time, and students participate (academically or non-academically) outside the regular class at least 61% of the time
☐ 210032 Special education/related services, provided by CBMR/DD, 100% of the time located in a CBMR/DD building
☐ 210033 Special education/related services provided at a private separate facility at public expense
☐ 210034 Special education/related services provided in a public residential facility (Ohio State School for the Blind, Ohio School for the Deaf, the Department of Youth Services, the Department of Rehabilitation and Correction, the Department of Mental Retardation and the Department of Mental Health)
☐ 210035 Special education/related services provided in a private residential facility, at public expense
☐ 210036 Special education/related services provided in a hospital setting
☐ 210037 Special education/related services provided in a homebound setting (home instruction)
☐ 210038 A student with a disability, placed in a state-approved nonpublic school by a public school district and receives services through an IEP
☐ 210039 A student with a disability, placed in a state-approved nonpublic school by the student's parent(s) and receives services through a **Services Plan**
☐ 210040 A student with a disability, placed in a state-approved nonpublic school by the student's parent(s) and not receiving services through a **Services Plan** (will not be included in the district's December Child Count)
☐ 210041 No special education provided (will not be funded as part of the district's December Child Count)
☐ 210042 IEP review process incomplete (will not be funded as part of the district's December Child Count)

☐ 215001 Adaptive Physical Education Services

D. Related Services

☐ 215002 Aide Services
☐ 215003 Attendant Services
☐ 215004 Audiological Services
☐ 215005 Guide Services
☐ 215006 Interpreter Services
☐ 215007 Medical Services
☐ 215008 Occupational Therapy Services
☐ 215009 Orientation and Mobility Services
☐ 215010 Physical Therapy Services
☐ 215011 Reader Services
☐ 215012 School Psychological Services
☐ 215013 Speech and Language Services
☐ 215014 Supervisory Services
☐ 215015 Vocational Special Education Coordinator
☐ 215016 Work Study Services
☐ 215017 Parent Involvement
☐ 215018 Counseling/Guidance
☐ 215019 Adaptive Equipment and Services
☐ 215020 Recreational Services
☐ 215021 Special Transportation
☐ 215022 Social Work Services
☐ 215023 Other
☐ 215024 Braille Services
☐ 215025 Transitional Services

E. Related Services for Preschooler with a Disability Only (all services provided through IEP)

☐ 215026 Communication Services
☐ 215027 Motor Services
☐ 215028 Hearing Services
☐ 215029 Vision Services
☐ 215030 Social Emotional/Behavioral Functioning Services
☐ 215031 Cognitive Services
☐ 215032 Adaptive Behavior Services

F. Primary Service for Preschooler with a Disability

Early Childhood Settings

☐ 217011 Regular Kindergarten Class
☐ 217012 Chartered Nonpublic Kindergarten
☐ 217013 Public or Private Preschool
☐ 217014 Head Start Center
☐ 217015 Child Care Facility
☐ 217016 Public School Preschool (funded public preschool)

Early Childhood Special Education Settings (Special Education Classroom)

☐ 217017 Special Education Classroom in regular school building—10+ hours/week
☐ 217018 Special Education Classroom in regular school building—20+ hours/week
☐ 217019 Special Education Classroom in child care facility or other community-based setting
☐ 217020 Special Education Classroom in regular school building—10+ hours/week (includes 50% or more children without disabilities)
☐ 217021 Special Education Classroom in regular school building—[illegible] hours/week (includes 50% or more children without disabilities)

Home Setting

☐ 217022 All of their special education and related services in the principle residence of the child's family

Part-Time Early Childhood (Including Home/Part-Time Early Childhood Special Education Setting)

☐ 217023 Part-time Special Education/Part-time Special Education in home
☐ 217024 Part-time Head Start with special education and part-time early childhood special education
☐ 217025 Child care, nursery school facilities, or other community-based settings with special education and special education outside of the regular class
☐ 217026 Regular Kindergarten classes with special education and special education outside of the regular class
☐ 217027 Separate school and regular early childhood program combination with special education in each setting
☐ 217028 Residential facility and regular early childhood program combination with special education in each setting

Residential Facility

☐ 217029 Residential facility

Separate School

☐ 217030 Separate school

Itinerant Services Outside the Home or Outside an Early Childhood Setting

☐ 217031 Itinerant services outside the home or outside an early childhood setting

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G. Proficiency Testing

Student Grade Level____________

☐ 4th ☐ 6th ☐ 9th/10th ☐ 12th							**☐ Grade Level CBE**		
Reading	☐ B	☐ C	☐ J	☐ K	☐ L	☐ N	☐ Take Without Accommodations	☐ Take With Accommodations	☐ Alternate Assessment
Writing	☐ B	☐ C	☐ J	☐ K	☐ L	☐ N	☐ Take Without Accommodations	☐ Take With Accommodations	☐ Alternate Assessment
Math	☐ B	☐ C	☐ J	☐ K	☐ L	☐ N	☐ Take Without Accommodations	☐ Take With Accommodations	☐ Alternate Assessment
Science	☐ B	☐ C	☐ J	☐ K	☐ L	☐ N	☐ Take Without Accommodations	☐ Take With Accommodations	☐ Alternate Assessment
Citizenship	☐ B	☐ C	☐ J	☐ K	☐ L	☐ N	☐ Take Without Accommodations	☐ Take With Accommodations	☐ Alternate Assessment

District Representative:______________________________ Date:____________________
(Signature)

SECTION 3: CONFIDENTIALITY

CONTENTS BY TOPIC

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FORMS		*TOPIC*
CN-301	School Record of Persons Obtaining Access to Confidential Education Records	*Record of Access/ Prior Consent for Disclosure*
CN-302	Employees Having Access to Confidential Education Records of Children Eligible for Services Under IDEA	*Record of Access/Prior Consent for Disclosure/ Safeguards*
CN-303	Confidential Records and Their Locations	*Record of Access*
CN-304	Parent Request for Amendment to Confidential Education Records	*Amendment of Records at Parent's Request*
CN-305	Notice to Parent on Action Regarding Requested Amendment to Confidential Education Records	*Amendment of Records at Parent's Request/Result of Records Hearing*
CN-306	Notice of Records Hearing	*Amendment of Records at Parent's Request*
CN-307	Records Hearing Summary Report	*Amendment of Records at Parent's Request/Result of Records Hearing*
CN-308	Parent/Guardian/Student Consent for Records Release	*In-School ID/Prior Consent for Disclosure/Referral To and Action By Law Enforcement and Judicial Authorities/IEP Team:General*
CN-309	Policies and Procedures Regarding Confidentiality of Education Records of Children Eligible for Services Under IDEA	*Out-of-School ID/Prior Consent for Disclosure/Safeguards*
CN-310	Notice of Records No Longer Needed	*Destruction of Information*

RELATED APPENDICES

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

ADDITIONAL RESOURCES

Ohio Revised Code: Chapter 5126, County Boards of Mental Retardation and Developmental Disabilities, Section 5126.44, Confidentiality

SECTION: Confidentiality

TOPIC: Access Rights

FEDERAL STATUTE: 20 USC 1415(b)(1) **Procedural safeguards.**

(b) Types of Procedures.—The procedures required by this section shall include—

(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child.

FEDERAL REGULATION: 34 CFR §§300.501, 300.560, 300.562, and 300.566

§300.501 Opportunity to examine records.

(a) *General.* The parents of a child with a disability must be afforded, in accordance with the procedures of Secs. 300.562-300.569, an opportunity to—

(1) Inspect and review all education records with respect to—

(i) The identification, evaluation, and educational placement of the child; and

(ii) The provision of FAPE to the child.

§300.560 Definitions.

As used in Secs. 300.560-300.577—

(a) *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.

(b) *Education records* means the type of records covered under the definition of "education records" in 34 CFR part 99 (the regulations implementing the Family Educational Rights and Privacy Act of 1974).

(c) *Participating agency* means any agency or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained, under Part B of the Act.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.562 Access rights.

(a) Each participating agency shall permit parents to inspect and review any education records relating to their children that are collected, maintained, or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any meeting regarding an IEP or any hearing pursuant to Secs. 300.507 and 300.521-300.528, and in no case more than 45 days after the request has been made.

(b) The right to inspect and review education records under this section includes—

(1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(2) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(3) The right to have a representative of the parent inspect and review the records.

(c) An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

[Authority 20 USC 1412(a)(8) and 1417(c)]

FEDERAL REGULATION: (Continued)

§300.566 Fees.

(a) Each participating agency may charge a fee for copies of records that are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

(b) A participating agency may not charge a fee to search for or to retrieve information under this part.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The parent may inspect and review any educational records relating to his or her child that are collected, maintained, or used by the school district or other educational agency which is providing education and related services. Test protocols are part of the educational records if they include personally identifiable information.	Form PS-406	Superintendent or designee	Anytime
a. Upon receipt of a request by parents, either custodial or noncustodial, to inspect and review any educational records on their child, the school district shall comply before any meeting regarding an individualized education program or hearing related to the identification, evaluation, educational placement, or provision of a Free Appropriate Public Education (FAPE) of the child.	Oral or written request	Superintendent or designee	Without undue delay but no more than 45 days after the request has been made
b. The school district or other educational agency may presume that the parent has authority to inspect and review records relating to his or her child unless the school district or other educational agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.			
c. Parents are not entitled to copies of records, unless not providing copies would effectively prevent the parent from exercising his or her right to inspect and review those records, or unless the parents and district are involved in a due process hearing.			
d. A fee for the actual cost of reproduction may be assessed for copies of records that are made for parents, if the fee does not effectively prevent the parent from exercising his or her right to inspect and review those records.			

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PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
e. There shall be no charge to parents for the search and retrieval of personally identifiable information.			

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

SECTION: Confidentiality

TOPIC: Record of Access

FEDERAL REGULATION: 34 CFR §§300.563, 300.564, 300.565, and 300.572(d)

§300.563 Record of access.

Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under Part B of the Act (except access by parents and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.564 Records on more than one child.

If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.565 List of types and locations of information.

Each participating agency shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the agency.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.572(d) Safeguards.

(d) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Persons and school personnel other than parents and authorized employees of the school district or other educational agency shall document every access to educational data collected, maintained, and used. a. This documentation shall include the (1) Name of party; (2) Date access was given; and (3) Purpose for which the party is authorized to use data.	Form CN-301	Superintendent or records control officer	
b. The school district shall update and maintain for public inspection in each school building a current list of the names and positions of those authorized school employees who have access to child data.	Form CN-302	Superintendent or records control officer	Annually

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. Where any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.			
3. The school district shall develop and maintain a list of the types and locations of educational records collected, maintained, or used by personnel. This list shall be provided to the parent upon request.	Form CN-303	Superintendent or records control officer	As needed

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

SECTION: Confidentiality

TOPIC: Amendment of Records at Parent's Request

FEDERAL REGULATION: CFR 34 §§300.567, 300.568, and 300.570

§300.567 Amendment of records at parent's request.

(a) A parent who believes that information in the education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child may request the participating agency that maintains the information to amend the information.

(b) The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request.

(c) If the agency decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal, and advise the parent of the right to a hearing under §300.568.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.568 Opportunity for a hearing.

The agency shall, on request, provide an opportunity for a hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.570 Hearing Procedures.

A hearing held under §300.568 must be conducted according to the procedures under 34 CFR §99.22.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A parent who believes that information in education records collected, maintained, or used regarding their child is inaccurate or misleading, or violates the privacy or other rights of their child, may request the school district or other educational agency that maintains the information to amend that information.	Form CN-304 or parent request	Parent	Upon request
2. The superintendent or designee shall ensure that a decision is made relevant to a request to amend records after receipt of the request.	Form CN-305	Superintendent or records control officer	Reasonable period of time
3. If the decision is to refuse to amend the information in accordance with the request, the school district or other educational agency will inform the parent, in writing, of the refusal and advise the parent of the right to a records hearing to challenge information in education records to ensure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child.	Form CN-305	Superintendent or records control officer	Reasonable period of time

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. The records hearing shall be held within a reasonable period of time after the school district or other educational agency has received the request.			
a. The parents shall be given notice of the date, place, and time of the hearing.	Form CN-306	Superintendent or records control officer	Reasonably in advance of the hearing
b. The records hearing may be conducted by any party including an official of the school district or educational agency that does not have a direct interest in the outcome of the hearing. The records hearing officer shall be determined by the school district.		Superintendent or designee	
c. Parents shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.			
d. The decision of the school district or other educational agency shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.	Form CN-307	Records hearing officer	

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

SECTION: Confidentiality

TOPIC: Result of Records Hearing

FEDERAL REGULATION: 34 CFR §300.569 **Result of hearing.**

(a) If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

(b) If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency.

(c) Any explanation placed in the records of the child under this section must—

(1) Be maintained by the agency as part of the records of the child as long as the record or contested portion is maintained by the agency; and

(2) If the records of the child or the contested portion are disclosed by the agency to any party, the explanation must also be disclosed to the party.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. If, as a result of the records hearing, the school district or other educational agency decides that this information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and inform the parents in writing.	Form CN-307	Superintendent or designee	
2. If, as a result of the records hearing, the school district or other educational agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district or other educational agency.	Form PS-406 and Forms CN-305 and CN-307	Superintendent or designee	
3. Any explanation placed in the record of the child under this section shall be maintained by the school district or other educational agency as part of the records of the child as long as the records or contested portion is maintained. If the records of the child or the contested portions are disclosed to any party, the explanation must also be disclosed to the party.	Form PS-406 and Form CN-307	Superintendent or designee	

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

FEDERAL STATUTE: 20 USC 1415(k)(9)(A) and (B) **Referral to and action by law enforcement and judicial authorities.**

(9) Referral to and action by law enforcement and judicial authorities.—

(A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

FEDERAL REGULATION: 34 CFR §§300.571 and 300.529

§300.571 Consent.

(a) Except as to disclosures addressed in Sec 300.529(b) for which parental consent is not required by Part 99, parental consent must be obtained before personally identifiable information is—

(1) Disclosed to anyone other than officials of participating agencies collecting or using the information under this part, subject to paragraph (b) of this section; or

(2) Used for any purpose other than meeting a requirement of this part.

(b) An educational agency or institution subject to 34 CFR part 99 may not release information from education records to participating agencies without parental consent unless authorized to do so under part 99.

(c) The SEA shall provide policies and procedures that are used in the event that a parent refuses to provide consent under this section.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.529 Referral to and action by law enforcement and judicial authorities.

(a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) (1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Written parental consent shall be obtained prior to disclosing personally identifiable information from the education records of the student, other than directory information, except as provided in item 2. below. This written consent, signed and dated by the parent giving consent, will also include: a. A specification of the records to be disclosed; b. The purpose or purposes of the disclosure; and c. The party or parties to whom the disclosure may be made. **Note:** County Boards of Mental Retardation and Developmental Disabilities (CBMR/DD) must obtain written parental consent prior to the release of any records and follow procedures as indicated in Ohio Revised Code 5126.44 (A)-(E).	Form CN-308	Superintendent or designee	
2. Personally identifiable information from the educational records of a student will be disclosed without the written consent of the parent, if the disclosure is made:	Form CN-309	Superintendent or designee	
a. To other officials including teachers within the school district or other educational agency who have been determined by the school district or other educational agency to have a legitimate educational interest.	Form CN-302	Superintendent or designee	
b. To officials of another school, school district, or other educational agency in which the student seeks or intends to enroll (1) When the transfer of records is initiated by the parent at the sending school district, joint vocational school, or other educational agency;			
(2) When the school district or other educational agency includes a notice in its policies and procedures that it forwards education records on request to a school district or other educational agency in which a student seeks or intends to enroll; or	Forms CN-309, PS-401, and PS-406	Superintendent or designee	
(3) After a reasonable attempt to notify the parent, at the parent's last known address, that the transfer of records has been made.	District letter	Superintendent or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. To federal and state officials in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of or compliance with the federal legal requirements that relate to these programs.	Form CN-301	Superintendent or designee	
d. In connection with financial aid for which a student has applied or that a student has received provided that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as (1) The determination of the eligibility of the student for financial aid; (2) The determination of the amount of financial aid; (3) The determination of the conditions which will be imposed regarding the financial aid; or (4) The enforcement of the terms or conditions of the financial aid.			
e. In reporting a crime committed by a child with a disability, the district may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act Regulations (refer to Appendix E). The district shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime. (1) Parent permission is required for a release of records, unless a lawfully ordered subpoena or court order has been issued; or (2) To others when specified but not limited to those outlined in the Family Educational Rights and Privacy Act Regulations (refer to Appendix E).	Form CN-308	Superintendent or designee	
3. When a disclosure is made pursuant to item 2. above (refer to pages 10 and 11 of this section), the school district shall, upon request, provide a copy of the record, which is disclosed to the parent and to the student if so requested by the student's parent.		Superintendent or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. In the event the parent refuses to provide consent, the procedure outlined in Section 7: Due Process Procedures, or other applicable legal procedures, shall be followed.		Superintendent or designee	

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

Additional Resources:

Ohio Revised Code: Chapter 5126, County Boards of Mental Retardation and Developmental Disabilities, Section 5126.044, Confidentiality

SECTION: Confidentiality

TOPIC: Safeguards

FEDERAL REGULATION: 34 CFR §300.572 **Safeguards.**

(a) Each participating agency shall protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.

(b) One official at each participating agency shall assume responsibility for ensuring the confidentiality of any personally identifiable information.

(c) All persons collecting or using personally identifiable information must receive training or instruction regarding the State's policies and procedures under §300.127 and 34 CFR part 99.

(d) Each participating agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
In order to protect the confidentiality of personally identifiable data at collection, storage, disclosure, and destruction stages, the school district shall:			
1. Inform all school district or other educational agency personnel collecting, maintaining, using or otherwise having access to personally identifiable data, of the confidentiality policies and procedures of the school district or other educational agencies;	Form CN-309	Superintendent or designee	Annually (❖Beginning of school year)
2. Assign one administrator the responsibility for assuring confidentiality of any personally identifiable data; and	Form CN-309	Superintendent	
3. Maintain, for public inspection, a current listing of the names and positions of those employees within the school district or other educational agency who may have access to personally identifiable data.	Form CN-302	Superintendent or records control officer	Annually

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

❖Denotes optional procedure/form

SECTION: Confidentiality

TOPIC: Destruction of Information

FEDERAL REGULATION: 34 CFR §300.573 **Destruction of information.**

(a) The public agency shall inform parents when personally identifiable information collected, maintained or used under this part is no longer needed to provide educational services to the child.

(b) The information must be destroyed at the request of the parents. However, a permanent record of a student's name, address, and phone number, his or her grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
The school district or other educational agency shall inform the parents or student, if the student has reached the age of majority and met the requirements outlined on pages 15 and 16 of this section, when personally identifiable information collected, maintained, or used is no longer needed to provide educational services to the child. All personally identifiable data will be kept for at least seven years or longer if required for audit or other purposes. 1. The personally identifiable information on a child who receives special education may be retained permanently unless the parent requests that it be destroyed. 2. Parents should be reminded that the education records may be needed by the child or parent for social security benefits or other purposes. 3. The information shall be destroyed at the request of the parent. However, a permanent record of the student's name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed may be maintained without time limitation.	Form CN-310	Superintendent or designee	

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

FEDERAL STATUTE: 20 USC 1414(d)(1)(A)(vii)(III) and 1415(m)(1) and (2)

1414(d)(1)(A)(vii)(III) Individualized education programs.

(III) Beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m);...

1415(m)(1) and (2) Transfer of parental rights at age of majority.

(1) *In general.*— A State that receives amounts from a grant under this part may provide that, when a child with a disability reaches the age of majority under State law (except for a child with a disability who has been determined to be incompetent under State law)—

  (A) the public agency shall provide any notice required by this section to both the individual and the parents;
  (B) all other rights accorded to parents under this part transfer to the child;
  (C) the agency shall notify the individual and the parents of the transfer of rights; and
  (D) all rights accorded to parents under this part transfer to children who are incarcerated in an adult or juvenile Federal, State, or local correctional institution.

(2) Special rule.—If, under State law, a child with a disability who has reached the age of majority under State law, who has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the State shall establish procedures for appointing the parent of the child, or if the parent is not available, another appropriate individual, to represent the educational interests of the child throughout the period of eligibility of the child under this part.

FEDERAL REGULATION: 34 CFR §§300.517, 300.347(c), and 300.574

§300.517 Transfer of parental rights at age of majority.

(a) *General.* A State may provide that, when a student with a disability reaches the age of majority under State law that applies to all students (except for a student with a disability who has been determined to be incompetent under State law)—

  (1) (i) The public agency shall provide any notice required by this part to both the individual and the parents; and
  (ii) All other rights accorded to parents under Part B of the Act transfer to the student; and
  (2) All rights accorded to parents under Part B of the Act transfer to students who are incarcerated in an adult or juvenile, State or local correctional institution.
  (3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (a)(2) of this section, the agency shall notify the individual and the parents of the transfer of rights.

(b) *Special rule.* If, under State law, a State has a mechanism to determine that a student with a disability, who has reached the age of majority under State law that applies to all children and has not been determined incompetent under State law, does not have the ability to provide informed consent with respect to his or her educational program, the State shall establish procedures for appointing the parent, or, if the parent is not available another appropriate individual, to represent the educational interests of the student throughout the student's eligibility under Part B of the Act.

[Authority 20 USC 1412(a)(8) and 1417(c)]

§300.347(c) Content of IEP.

(c) *Transfer of rights.* In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with Sec. 300.517.

FEDERAL REGULATION: (Continued)

§300.574 Children's rights.

(a) The SEA shall provide policies and procedures regarding the extent to which children are afforded rights of privacy similar to those afforded to parents, taking into consideration the age of the child and type or severity of disability.

(b) Under the regulations for the Family Educational Rights and Privacy Act of 1974 (34 CFR 99.5(a)), the rights of parents regarding education records are transferred to the student at age 18.

(c) If the rights accorded to parents under Part B of the Act are transferred to a student who reaches the age of majority, consistent with Sec. 300.517, the rights regarding educational records in Secs. 300.562-300.573 must also be transferred to the student. However, the public agency must provide any notice required under section 615 of the Act to the student and the parents.

[Authority 20 USC 1412(a)(8) and 1417(c)]

STATE RULE:

"PARENT" means either parent. If the parents are separated or divorced, "parent" means the parent with legal custody of the handicapped child. "Parent" also includes a child's guardian, custodian, or parent surrogate. At age eighteen, the child may act in his or her own behalf. This term does not include the State if the child is a ward of the State.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. When the student reaches the age of majority the district shall ensure that all rights regarding records (described in pages 1-14 of this section) are transferred to the student (except for a student who has been determined to be incompetent under State law).	Forms IEP-607 and PS-406	Superintendent or designee	Eighteenth birthday of student
2. The district shall ensure that all rights regarding records (described in pages 1-14 of this section) are transferred to students (ages 18-21) who are incarcerated in an adult or juvenile, state or local correctional institution.	Forms IEP-607 and PS-406	Superintendent or designee	
3. The district shall notify the parent(s) and the student of the transfer of rights regarding records.	Forms IEP-607 and PS-406	Superintendent or designee	At least one year prior to eighteenth birthday of student
4. If the school district has received evidence that a probate court has appointed a guardian over the child with a disability, the district shall appoint the legal guardian to represent the educational interests of the child until the child reaches age 22, if the child is not a ward of the State.	Court Order and district letter	Superintendent or designee	

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

SECTION: Confidentiality

TOPIC: Disciplinary Information

FEDERAL STATUTE: 20 USC 1413(j) **Disciplinary Information.**

The State may require that a local educational agency include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit such statement to the same extent that such disciplinary information is included in, and transmitted with, the student records of nondisabled children. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child. If the State adopts such a policy, and the child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any such statement of current or previous disciplinary action that has been taken against the child.

FEDERAL REGULATION: 34 CFR §300.576 **Disciplinary Information.**

Federal Regulation language is the same as Federal Statute language.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall include in the records of a child with a disability a statement of any current or previous disciplinary action that has been taken against the child and transmit the statement to the same extent that the disciplinary information is included in, and transmitted with, the student records of nondisabled children.	District policy	Records control officer	
2. The statement may include a description of any behavior engaged in by the child that required disciplinary action, a description of the disciplinary action taken, and any other information that is relevant to the safety of the child and other individuals involved with the child.			
3. When a child transfers from one school to another, the transmission of any of the child's records must include both the child's current individualized education program and any statement of current or previous disciplinary action that has been taken against the child.			

Related Appendices:

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

Copies: Student/Building File

CN-301

SCHOOL RECORD OF PERSONS OBTAINING ACCESS TO CONFIDENTIAL EDUCATION RECORDS

Student: ____________________ School Building: ____________________

Birthdate: ____________________ District: ____________________

Name of Party Requesting Access to Records	Date Access Given	Reasons for Requesting Access

Copies: Records Control Officer
Building Principal

CN-302

School District: ______________________________

EMPLOYEES HAVING ACCESS TO CONFIDENTIAL EDUCATION RECORDS OF CHILDREN ELIGIBLE FOR SERVICES UNDER IDEA

This Access List Must Be Maintained In Each Building Where Confidential Records Are Maintained

I. Central Office Personnel (name and position)

A. Superintendent of Schools ______________________
B. ______________________
C. ______________________
D. ______________________
E. ______________________
F. Secretary(s) ______________________

II. Individual Building Personnel (name and position)

*A. Building Administrators

______________	______________
______________	______________
______________	______________

*B. Teachers

______________	______________
______________	______________
______________	______________

*C. Support and Related Service Personnel

______________	______________
______________	______________
______________	______________

*D. Appropriate Classified Personnel

______________	______________
______________	______________
______________	______________

Note: * Personnel must have a legitimate educational interest in the child. Attach additional lists as needed.

______________________ ______________________
Records Control Officer Date

CN-303

CONFIDENTIAL RECORDS AND THEIR LOCATIONS

Types of Educational Records	Location(s)
Cumulative Folders - history of grades, class assignments, group testing, teacher notes, and related information	Individual Buildings, Computer System (EMIS), ____________
Evaluation Data - MFE team reports, assessments, teacher evaluations, work samples, and related information	____________________
Procedural Safeguards Documentation - surrogate assignment, custody determination, permission forms, parent notices, referrals, and related information	____________________
Individualized Education Programs	____________________
Child Information Management System	____________________
Medical Records - medication records, prescriptions, health records, immunizations, and related information	____________________
Other (specify)____________	____________________
____________________	____________________
____________________	____________________
____________________	____________________

Copies: Superintendent
Records Control Officer

CN-304

PARENT REQUEST FOR AMENDMENT TO CONFIDENTIAL EDUCATION RECORDS

Child:____________ Address:____________

Birthdate:____________ Phone:____________

Program:________ School:________ District:________

Dear ____________:
(Superintendent's Name)

After reviewing the data collected, maintained, and used for educational decisions regarding my child, I believe that the information is:

Check: ☐ Misleading ☐ Inaccurate ☐ Violation of Privacy or Other Rights
☐ Incomplete ☐ Other

Please explain:____________

I would like the following information added:

I would like the following information removed:

____
(Parent Signature)

____
(Date)

Copies: Parent
Records Control Office

CN-305

NOTICE TO PARENT ON ACTION REGARDING REQUESTED AMENDMENT TO CONFIDENTIAL EDUCATION RECORDS

Date ____/____/____

Dear ____________________:

We have investigated your complaint that certain data in our files regarding ____________________ (Child's Name) is misleading, inaccurate, incomplete, or a violation of privacy or other rights, and your request to amend this data.

It is our decision that

☐ We will make the following modifications as requested:

☐ We will not make the following modifications for the reason(s) indicated:

However, you have the right to request a records hearing during which the merits of your position and that of the school's will be examined. If this action does not resolve the disagreement, you have the right to place in the records a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district or other educational agency. This statement shall be maintained by the school district or other educational agency as part of the record of the child as long as the contested portion of the record is maintained. If the records of the child, or the contested portion, are disclosed to any party, the explanation shall also be disclosed.

If you elect to request the hearing, please indicate this in writing to me. If you have any questions about any aspects of this matter, please call me at ____________________ (Phone Number) for further information or clarification.

Sincerely,

____
Superintendent or Designee Signature

Copies: Parent
Records Control Officer

CN-306

NOTICE OF RECORDS HEARING

Child: ____________________ Date of Birth: ____________________

Parent(s): ____________________ Telephone: ____________________

Address: ____________________ School District: ____________________

____

Dear ____________________:
Parent's Name

The purpose of this letter is to inform you that a records hearing about your child's records is scheduled as follows:

Date: ____________________

Place: ____________________

Time: ____________________

Please return the form below to: ____________________
Superintendent or Designee
____
Address
____
____

or call ______________ at ______________ within ten (10) days so that we may know your intentions regarding your attendance at this hearing.
Name Telephone

Name of Parent: ____________________

Name of Student: ____________________

I/We: _____ will attend the hearing as scheduled.
_____ will not attend the hearing and waive my/our right to do so.
_____ request that the hearing as scheduled be changed. Please contact me/us.

____
Parent's Signature

____
Date

Copies: Superintendent
Records Control Officer
Parent

CN-307

RECORDS HEARING SUMMARY REPORT

DATES:

__________ Initial request for records amendment
__________ School district's written reply
__________ Request for records hearing
__________ Parent and/or other party notification of date, time, and place of records hearing

Attached to this report are:

(1) Request for records amendment
(2) Notice of school district's action

Summary of evidence presented by parent/student: __________

Summary of evidence presented by school district: __________

Summary of any additional relevant information: __________

Summary of reasons for hearing decision based solely upon the evidence presented in this hearing: __________

Decision: __________

Attachments:
Request for Records Amendment(s)
Notice of School District's Action
Other: __________

____
Name of Records Hearing Officer

____
Signature of Records Hearing Officer

____
Title

____
Date

Copies: Records Control Officer
Student File
Parent

CN-308

PARENT/GUARDIAN/STUDENT CONSENT FOR RECORDS RELEASE

TO: ______________________ RE: ______________________
(Student Name)

______________________ AGE: _____ BIRTHDATE: ______________
(Street Address)

____
(City, State, Zip Code)

FROM:

______________________ ______________________
(Name) (Street Address)

______________________ ______________________
(Agency/School District) (City, State, Zip Code)

We are requesting the following information/records for the above-named student:

☐ All personally identifiable data on file.

☐ The following records only: (please specify)

____

____

____

Reason for request: (please check)

☐ To aid in making present and future educational decisions.

☐ Other: (please specify)

____

____

____

With the understanding that the district cannot assume responsibility for the confidentiality of educational information disclosed, I authorize you to release educational information regarding the above-named student in the manner indicated.

______________________ ______________________
(Date) (Signature of parent/guardian or student, if 18 or older)

____
(Address)

____
(City, State, Zip Code)

FOR OFFICE USE ONLY

Date Data Released ______________ by ______________________
(Name/Position)

Date Copies Mailed ______________ by ______________________
(Name/Position)

Copies: All Staff

CN-309
(Page 1 of 5)

POLICIES AND PROCEDURES REGARDING CONFIDENTIALITY OF EDUCATION RECORDS OF CHILDREN ELIGIBLE FOR SERVICES UNDER IDEA

(Sample Letter, Superintendent to Staff)

TO: All Professional Staff of the ____________________ School District
and Agencies ____________________________________

FROM: __________________, Superintendent

DATE: __________________

RE: **Confidentiality Policies and Procedures**

In the interest of protecting the confidentiality of personally identifiable data collected or used regarding students with disabilities, __________________ has been assigned to act as the records control officer.

________________ shall be responsible for ensuring the confidentiality of any personally identifiable data that are collected, maintained, or used by district staff in accordance with the Board-adopted policies and procedures.

A list of employees having access to personally identifiable data is maintained in each building where confidential records are kept. Personnel who have legitimate educational interests have access to these files. The records control officer maintains a list of such personnel. You may be asked to sign our *School Record of Persons Obtaining Access to Confidential Education Records* and to indicate the reason for requesting access.

Direct any questions regarding confidentiality issues to ________________________.

Attached: *Policies And Procedures Regarding Confidentiality Of Education Records Of Children Eligible For Services Under IDEA*

POLICIES AND PROCEDURES REGARDING CONFIDENTIALITY OF EDUCATION RECORDS OF CHILDREN ELIGIBLE FOR SERVICES UNDER IDEA

1. Access Rights

   a. The school district and other educational agency shall develop and implement written procedures that permit the parent to inspect and review any educational records relating to his or her child, which are collected, maintained, or used by the school district or other educational agency under this rule. The school district or other educational agency shall comply with the parent's request without unnecessary delay and before any meeting regarding an individualized education program or hearing related to the identification, evaluation, educational placement, or provision of a Free Appropriate Public Education (FAPE) of the child and, in no case, more than forty-five (45) days after the request has been made.

   b. The school district or other educational agency may presume that the parent has authority to inspect and review records relating to his or her child unless the school district or other educational agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

   c. The school district or other educational agency may charge a fee for copies of records that are made for the parent under this rule if the fee does not effectively prevent the parent from exercising the right to inspect and review those records.

   d. The school district or other educational agency may not charge a fee to search for or retrieve information.

2. Record Access

   a. Each school district and other educational agency shall develop a list of the types and locations of education records collected, maintained, or used by them and shall provide this list to parents on request.

   b. Each school district and other educational agency shall develop and implement written procedures to keep a record of parties allowed access to educational records collected, maintained, or used (except access by parents and authorized employees of the school district or other educational agency) including the

      (1) Name of party;

      (2) Date access was given; and

      (3) Purpose for which the party is authorized to use data.

   c. If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information.

3. Amendment of Records at Parent's Request

   a. Each school district and other educational agency shall develop and implement written procedures so that a parent who believes that information in education records collected, maintained, or used under this part is inaccurate, incomplete, misleading, or violates the privacy or other rights of their child, may request the school district or other educational agency that maintains the information to amend that information.

   b. The school district or other educational agency shall decide whether or not to amend the information in accordance with the request within a reasonable period of time after receipt of the request.

   c. Each school district and other educational agency shall develop and implement written procedures so that if it decides to refuse to amend the information in accordance with the request, it shall inform the parent of the refusal and advise the parent of the right to a records hearing to challenge information in education records to ensure that it is not inaccurate, incomplete, misleading, or otherwise in violation of the privacy or other rights of the child.

d. Each school district and other educational agency shall develop and implement written procedures regarding the records hearing which shall include at least the following elements:

(1) The records hearing shall be held within a reasonable period of time after the school district or other educational agency has received the request, and the parents shall be given notice of the date, place, and time reasonably in advance of the hearing.

(2) The records hearing may be conducted by any party, including an official of the school district or educational agency that does not have a direct interest in the outcome of the hearing.

(3) The parents shall be afforded a full and fair opportunity to present evidence relevant to the issues and may be assisted or represented by individuals of his or her choice at his or her own expense, including an attorney.

(4) The school district or other educational agency shall make its decision in writing within a reasonable period of time after the conclusion of the hearing.

(5) The decision of the school district or other educational agency shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

4. Result of Records Hearing

Each school district and other educational agency shall develop and implement written procedures regarding the results of the records hearing. The procedures shall include the following:

a. If, as a result of the records hearing, the school district or other educational agency decides that this information is inaccurate, incomplete, misleading, or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parents in writing.

b. If, as a result of the records hearing, the school district or other educational agency decides that the information is not inaccurate, incomplete, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parents of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district or other educational agency.

c. Any explanation placed in the record of the child under this section shall be maintained by the school district or other educational agency as part of the records of the child as long as the records or contested portion is maintained. If the records of the child, or the contested portions are disclosed to any party, the explanation must also be disclosed to the party.

5. Safeguards

Each school district and other educational agency shall have written policies and procedures to protect the confidentiality of personally identifiable data at collection, storage, disclosure, and destruction stages. These procedures must include the following provisions:

a. All school district or other educational agency personnel collecting, maintaining, using, or otherwise having access to personally identifiable data shall be informed of the confidentiality policies and procedures of the school district or other educational agency.

b. One administrator shall be assigned the responsibility for assuring confidentiality of any personally identifiable data.

c. The agency shall maintain, for public inspection, a current listing of the names and positions of those employees within the school district or other educational agency who may have access to the personally identifiable data.

6. Prior Consent for Disclosure

   a. Each school district and other educational agency shall have written policies and procedures for disclosing personally identifiable information from the education records of a student without the written consent of the parent if the disclosure is made:

      (1) To other officials including teachers within the school district or other educational agency who have been determined by the school district or other educational agency to have a legitimate educational interest;

      (2) To officials of another school, school district, or other educational agency in which the student seeks or intends to enroll

         (a) When the transfer of records is initiated by the parent at the sending school district, joint vocational school, or other educational agency,

         (b) When the school district or other educational agency includes a notice in its policies and procedures that it forwards education records on request to a school district or other educational agency in which a student seeks or intends to enroll, or

         (c) After a reasonable attempt to notify the parent, at the parent's last known address, that the transfer of records has been made;

      (3) To federal and state officials in connection with the audit and evaluation of federally supported education programs, or in connection with the enforcement of or compliance with the federal legal requirements that relate to these programs;

      (4) In connection with financial aid for which a student has applied or which a student has received, provided that personally identifiable information from the education records of the student may be disclosed only as may be necessary for such purposes as

         (a) The determination of the eligibility of the student for financial aid,

         (b) The determination of the amount of financial aid,

         (c) The determination of the conditions which will be imposed regarding the financial aid, or

         (d) The enforcement of the terms or conditions of the financial aid;

      (5) In reporting a crime committed by a child with a disability, the district may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act: Final Regulations (34 CFR §99.31).

         Parent permission is required for a release of records, unless a lawfully issued subpoena or court order has been issued.

         If the school district reports a crime committed by a child with a disability, the district shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime; or

      (6) To others when specified, but not limited to those outlined in the Family Educational Rights and Privacy Act: Final Regulations (34 CFR §99.31).

   b. Each school district and other educational agency shall develop and implement written procedures for obtaining the written consent of the parent before disclosing personally identifiable information from the educational records of a student, other than directory information, except as provided in item 6.a. The written consent must be signed and dated by the parent giving the consent and shall include:

      (1) A specification of the records to be disclosed;

      (2) The purpose or purposes of the disclosure; and

(3) The party or class of parties to whom the disclosure may be made.

c. When a disclosure is made pursuant to the above, the school district or other educational agency shall, upon request, provide a copy of the record that is disclosed to the parent and to the student, if so requested by the student's parent.

7. Destruction of Information

Each school district and other educational agency shall develop and implement written procedures, which provide that:

a. The school district or other educational agency shall inform the parent or student, if appropriate, when personally identifiable information collected, maintained, or used under this paragraph is no longer needed to provide educational services to the child;

b. The personaliy identifiable information on a child with a disability may be retained permanently unless the parent requests that it be destroyed. The school district and other educational agency should remind them that the records may be needed by the child or the parent for social security benefits or other purposes;

c. The information shall be destroyed at the request of the parent or student, if appropriate. However, a permanent record of a student's name, address, phone number, grades, attendance records, classes attended, grade level completed, and year completed may be maintained without time limitation; and

d. All personally identifiable information will be kept for at least seven years or longer if required for audit or other purposes.

8. Children's Rights

a. When the student reaches the age of majority, the school district or other educational agency shall ensure that all rights regarding records previously described are transferred to the student (except for a student who has been determined to be incompetent under State law).

b. The school district or other educational agency shall ensure that all rights previously described are transferred to children (ages 18-21) who are incarcerated in an adult or juvenile, state or local correctional institution.

c. The school district or other educational agency shall notify the parent(s) and the student of the transfer of rights regarding records.

d. If the school district or other educational agency has received evidence that a probate court has appointed a guardian over the child with a disability, the school district or other educational agency shall appoint the legal guardian to represent the educational interests of the child until the child reaches age 22, if the child is not a ward of the state.

Copies To: Parent
Student
Student File

CN-310

NOTICE OF RECORDS NO LONGER NEEDED

Date: ____________________

To: ____________________

Address: ______________________________

____

Student Name: ______________________________ Birthdate: ____/____/____

At this time, we are notifying you that the special education records regarding the above-named student are no longer needed to provide educational services.

A. _____ We are not planning to destroy the records. If you wish to have the records destroyed, we will do so; however, please note that information contained in the records may be needed to establish eligibility for social security and other benefits to your child.

B. _____ We are planning to destroy the records with the exceptions listed below. It may be to your benefit for the reasons specified in item A above to review the records or request copies.

Records to be maintained:	Time period:

If you have questions, please contact the individual listed below.

Please complete by checking either or both of the blanks and return within 15 days as indicated below.

_____ I wish the educational records of the above-named student to be destroyed.

_____ I will contact you to arrange a time when I may inspect the records or have copies made.

Return To: ______________________________

____

____

____
(Signature of parent/guardian or student, if 18 or older)

____
Date

____
Phone

RETAIN WITH DIRECTORY OR REMAINING INFORMATION

SECTION 4: PROCEDURAL SAFEGUARDS

CONTENTS BY TOPIC

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Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense Page 17

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Discipline

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SECTION 4: PROCEDURAL SAFEGUARDS (Continued)

FORMS		***TOPIC***
PS-401	**Written Notice to Parents**	*In-School ID/Providing Notice to Parents/Protections for Children Not Yet Eligible for Special Education and Related Services/Overview:Evaluation and Reevaluation/IBA-MFE/ Panning and Conducting the Reevaluation/Parental Consent/ Copies of IEP*
PS-402	**Request for Parent Consent for Evaluation**	*In-School ID/Providing Notice to Parents/Procedural Safeguards Notice/Parental Consent/ Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/IBA-MFE/Planning and Conducting the Reevaluation*
PS-403	**Request for Interpreter/Translator**	*Providing Notice to Parents/ Procedural Safeguards Notice/ IEP Team:Parent Participation*
PS-404	**Request for Assignment of a Surrogate Parent**	*Surrogate Parent*
	Appointment of a Surrogate Parent	*Surrogate Parent*
PS-405	**Authority to Appoint Surrogate Parent Request by the District of Residence**	*In-School ID/All of Procedural Safeguards*
PS-406	**Whose *IDEA* Is This? *A Resource Guide for Parents:* Parent Notice of Procedural Safeguards**	*In-School ID/All of Procedural Safeguards/Overview:Evaluation and Reevaluation/IBA-MFE/ Planning and Conducting the Reevaluation/IEP Team:Transfer of Rights (Age of Majority)*
PS-407❖	**Notification of Disciplinary Action (Removal from School)**	*Authority of School Personnel (ASP):Code of Conduct Violation/ASP:Drug, Weapon Violation*
PS-408	**Request for an Expedited Hearing**	*Authority of Hearing Officer: Dangerous Behavior/ Expedited Hearings*

❖Denotes optional procedure/form

SECTION 4: PROCEDURAL SAFEGUARDS (Continued)

FORMS	***TOPIC***
PS-409❖ Record of Suspension/Expulsion........................	*Authority of School Personnel (ASP):Code of Conduct Violation/ASP:Drug, Weapon Violation/Functional Behavior Assessment/Protections for Children Not Yet Eligible for Special Education and Related Services*
PS-410 Manifestation Determination Worksheet.............	*Authority of School Personnel (ASP):Code of Conduct Violation/ASP:Drug, Weapon Violation/Manifestation Determination*

RELATED APPENDICES

Appendix E: Family Educational Rights and Privacy Act Regulations (FERPA)

Appendix F: Technical Assistance for Implementation of the Behavior Intervention Process

ADDITIONAL RESOURCES

- Parent Surrogate Trainer's Guide, IRC Manual
- Ohio Revised Code Section 3313.66
- Process for Implementation of Nonpublic School Student Funding

The above-named resources are available through special education regional resource centers (SERRCs).

❖Denotes optional procedure/form

SECTION: Procedural Safeguards

TOPIC: Definitions; Opportunity to Examine Records

FEDERAL STATUTE: 20 USC 1415(a) and (b)(1) **Procedural safeguards.**

(a) *Establishment of Procedures.*—Any State educational agency, State agency, or local educational agency that receives assistance under this part shall establish and maintain procedures in accordance with this section to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies.

(b) *Types of Procedures.*—The procedures required by this section shall include—

(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child.

FEDERAL REGULATION: 34 CFR §§300.500 and 300.501

§300.500 General responsibility of public agencies; definitions.

(a) *Responsibility of SEA and other public agencies.* Each SEA shall ensure that each public agency establishes, maintains, and implements procedural safeguards that meet the requirements of §§300.500-300.529.

(b) *Definitions of "consent," "evaluation," and "personally identifiable." As used in this part—*

(1) *Consent* means that—

(i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
(ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
(iii) (A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

(B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

(2) *Evaluation* means procedures used in accordance with §§300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

(3) *Personally identifiable* means that information includes—

(i) The name of the child, the child's parent, or other family member;
(ii) The address of the child;
(iii) A personal identifier, such as the child's social security number or student number; or
(iv) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

§300.501 Opportunity to examine records; parent participation in meetings.

(a) *General.* The parents of a child with a disability shall be afforded, in accordance with the procedures of §§300.562-300.569, an opportunity to—

(1) Inspect and review all education records with respect to—

(i) The identification, evaluation, and educational placement of the child; and
(ii) The provision of FAPE to the child; and

FEDERAL REGULATION: (Continued)

(2) Participate in meetings with respect to—

(i) The identification, evaluation, and educational placement of the child; and
(ii) The provision of FAPE to the child.

(b) *Parent participation in meetings.*

(1) Each public agency shall provide notice consistent with §300.345(a)(1) and (b)(1) to ensure that parents of children with disabilities have the opportunity to participate in meetings described in paragraph (a)(2) of this section.

(2) A meeting does not include informal or unscheduled conversations involving public agency personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provision if those issues are not addressed in the child's IEP. A meeting also does not include preparatory activities that public agency personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall provide the parents of a child with a disability the opportunity to inspect and review any educational records relating to their child that the school district has collected, maintained, or used for the identification, evaluation, educational placement, or provision of a free appropriate public education to the child. (refer to Section 3: Confidentiality, pages 1-3).	Form PS-406	Building principal or designee	Not to exceed 45 days
2. The school district shall provide the parents of a child with a disability the opportunity to participate in all meetings for the purpose of identification, evaluation, educational placement, or provision of a free appropriate public education to the child.	Form CI-210❖		
a. To ensure that one or both of the parents of a child with a disability are members of any group that makes decisions about their child, the school district shall: (1) notify parents of the meeting early enough; and (2) schedule the meeting at a mutually agreed on time and place.	Form CI-208		

❖ **Denotes optional procedure/form**

SECTION: Procedural Safeguards

TOPIC: Providing Notice to Parents

FEDERAL STATUTE: 20 USC 1415(b)(3) **Types of procedures.**

(b) *Types of procedures.*—The procedures required by this section shall include—

(3) Written prior notice to the parents of the child whenever such agency—

(A) proposes to initiate or change; or

(B) refuses to initiate or change the identification, evaluation, or educational placement of the child, in accordance with subsection (c) or the provision of a free appropriate public education to the child.

FEDERAL REGULATION: 34 CFR §§300.122(a)(3)(iii) and 300.503

§300.122(a)(3)(iii) Exception to FAPE for certain ages.

(iii) Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.

§300.503 Prior notice by the public agency; content of notice.

(a) *Notice.*

(1) Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—

(i) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or
(ii) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

(2) If the notice described under paragraph (a)(1) of this section relates to an action proposed by the public agency that also requires parental consent under Sec. 300.505, the agency may give notice at the same time it requests parent consent.

(b) *Content of notice.* The notice required under paragraph (a) of this section must include—

(1) A description of the action proposed or refused by the agency;
(2) An explanation of why the agency proposes or refuses to take the action;
(3) A description of any other options that the agency considered and the reasons why those options were rejected;
(4) A description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;
(5) A description of any other factors that are relevant to the agency's proposal or refusal;
(6) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
(7) Sources for parents to contact to obtain assistance in understanding the provisions of this part.

(c) *Notice in understandable language.*

(1) The notice required under paragraph (a) of this section must be—

(i) Written in language understandable to the general public; and
(ii) Provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

(2) If the native language or other mode of communication of the parent is not a written language, the public agency shall take steps to ensure—

(i) That the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

FEDERAL REGULATION: (Continued)

(ii) That the parent understands the content of the notice; and
(iii) That there is written evidence that the requirements in paragraphs (c)(2)(i) and (ii) of this section have been met.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall provide a written notice to the parent of a child with a suspected or confirmed disability: a. Within 30 days of the date of referral, or b. Within a reasonable time before the school district— (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child; or (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. Examples might include— (a) initial evaluation, (b) reevaluation, (c) expedited evaluation, (d) IEP meeting where there is a change of placement/services, and (e) graduation from high school.	Forms PS-401 and PS-406 or Forms IEP-607 and MFE-501c, d, e, or f	Building principal or designee	Within 30 days of referral or within a reasonable time before the district proposes to initiate or refuses to initiate a change in the identification, evaluation, or educational placement of the child or the provision of FAPE to the child
2. If the action proposed by the school district also requires parental consent, the district may give notice at the same time it requests parent consent.	Form PS-401	Building principal or designee	Same as above
3. The IEP may serve as written notice, unless the parent disagrees with the IEP; if parents disagree with the IEP, written notice must be completed and provided prior to implementation of the IEP.	Form IEP-607 or PS-401	School personnel	Before implementation of IEP
4. The notice must include: a. A description of the action proposed or refused by the agency; b. An explanation of why the agency proposes or refuses to take the action; c. A description of any other options that the agency considered and the reasons why those options were rejected; d. A description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action; e. A description of any other factors that are relevant to the agency's proposal or refusal;	Forms PS-401 and PS-406	Building principal or designee	Within 30 days of referral or within a reasonable time before the district proposes to initiate or refuses to initiate a change in the identification, evaluation, or educational placement of the child or the provision of FAPE to the child

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
f. A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and		Building principal or designee	Same as above
g. Sources for parents to contact to obtain assistance in understanding the provisions of this part.			
5. This notice must be provided in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.	Forms PS-401 and PS-406	Building principal or designee	Within 30 days of referral or within a reasonable time before the district proposes to initiate or refuses to initiate a change in the identification, evaluation, or educational placement of the child or the provision of FAPE to the child
6. If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to ensure that:	Forms PS-401 and PS-406	Building principal or designee	
a. The notice is translated orally or by other means to the parent in his or her native language or other mode of communication. This may involve—			
(1) Arranging for an interpreter if the referral form indicates that English is not the native language of the home or if the parent may have a hearing impairment.	Form PS-403	Building principal or designee	
(2) Providing notice orally if the written language is not a native language; and			
b. There is written documentation of reasonable attempts to explain this information so that the parent understands the content of the notice.	Form CI-210❖		
7. The written notice shall contain a full explanation of procedural safeguards, outlined on page 7 of this section.	Forms PS-401 and PS-406		

❖ **Denotes optional procedure/form**

FEDERAL STATUTE: 20 USC 1415(d) **Procedural safeguards notice.**

(1) *In General.*—A copy of the procedural safeguards available to the parents of a child with a disability shall be given to the parents, at a minimum—

- (A) upon initial referral for evaluation;
- (B) upon each notification of an individualized education program meeting and upon reevaluation of the child; and
- (C) upon registration of a complaint under subsection (b)(6).

FEDERAL REGULATION: 34 CFR §300.504 **Procedural safeguards notice.**

(a) *General.* A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum—

- (1) Upon initial referral for evaluation;
- (2) Upon each notification of an IEP meeting;
- (3) Upon reevaluation of the child; and
- (4) Upon receipt of a request for due process under §300.507.

(b) *Contents.* The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under §§300.403, 300.500-300.529, and 300.560-300.577, and the State complaint procedures available under §§300.660-300.662 relating to—

- (1) Independent educational evaluation;
- (2) Prior written notice;
- (3) Parental consent;
- (4) Access to educational records;
- (5) Opportunity to present complaints to initiate due process hearings;
- (6) The child's placement during pendency of due process proceedings;
- (7) Procedures for students who are subject to placement in an interim alternative educational setting;
- (8) Requirements for unilateral placement by parents of children in private schools at public expense;
- (9) Mediation;
- (10) Due process hearings, including requirements for disclosure of evaluation results and recommendations;
- (11) State-level appeals (if applicable in that State);
- (12) Civil actions;
- (13) Attorneys' fees; and
- (14) The State complaint procedures under §§300.660-300.662, including a description of how to file a complaint and the timelines under those procedures.

(c) *Notice in understandable language.* The notice required under paragraph (a) of this section must meet the requirements of §300.503(c).

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall provide a copy of procedural safeguards to the parents of a child with a disability, at least: a. upon initial referral for evaluation (refer to Section 5: Assessment/MFE, page 1); b. upon each notification of an IEP meeting (refer to Section 6: IEP/LRE, page 11); c. upon reevaluation of the child (refer to Section 5: Assessment/MFE, page 59); d. upon receipt of a request for due process (refer to Section 7: Due Process Procedures, page 6); and	Form PS-406	Building principal or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
e. upon a change of placement for disciplinary action (refer to pages 28 and 29 of this section).			
2. The procedural safeguards notice must include a full explanation of all the procedural safeguards, relating to: **(refer to Section 4: Procedural Safeguards for items a.-h.)** a. independent educational evaluation (pages 10 and 11); b. prior written notice (pages 3 and 4); c. parental consent (page 8); d. access to educational records (page 1); e. opportunity to present complaints (pages 12 and 13); f. procedures for students who are subject to placement in an interim alternative educational setting (page 25); g. requirements for unilateral placement by parents of children in private schools at public expense (page 17); h. State complaint procedures (pages 12 and 13); **(refer to Section 7: Due Process Procedures for items i.-n.):** i. the child's placement during pendency of due process proceedings (page 21); j. mediation (page 1); k. due process hearings, including requirements for disclosure of evaluation results and recommendations (pages 6 and 7); l. state-level appeals, if applicable (pages 17 and 18); m. civil actions (page 17); and n. attorneys' fees (page 23).	Form PS-406	Building principal or designee	
3. This notice must be provided in language understandable to the general public and in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.	Forms PS-401 and PS-406	Building principal or designee	
4. If the native language or other mode of communication of the parent is not a written language, the school district shall take steps to ensure that:	Forms PS-401 and PS-406	Building principal or designee	
a. The notice is translated orally or by other means to the parent in his or her native language or other mode of communication. This may involve—			
(1) Arranging for an interpreter if the referral form indicates that English is not the native language of the home or if the parent may have a hearing impairment;	Form PS-403	Building principal or designee	
(2) Providing notice orally if the written language is not a native language; and			
b. There is written documentation of reasonable attempts to explain this information so that the parent understands the content of the notice.	Form PS-402		

SECTION: Procedural Safeguards

TOPIC: Parental Consent

FEDERAL REGULATION: 34 CFR §300.505 **Parental consent.**

(a) *General.*

(1) Subject to paragraphs (a)(3), (b), and (c) of this section, informed parent consent must be obtained before—

(i) Conducting an initial evaluation or reevaluation; and
(ii) Initial provision of special education and related services to a child with a disability.

(2) Consent for initial evaluation may not be construed as consent for initial placement described in paragraph (a)(1)(ii) of this section.

(3) Parental consent is not required before—

(i) Reviewing existing data as part of an evaluation or a reevaluation; or
(ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

(b) *Refusal.* If the parents of the child with a disability refuse consent for initial evaluation or a reevaluation, the agency may continue to pursue those evaluations by using the due process procedures under §§300.507-300.509, or the mediation procedures under §300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent.

(c) *Failure to respond to request for reevaluation.*

(1) Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.

(2) To meet the reasonable measures requirement in paragraph (c)(1) of this section, the public agency must use procedures consistent with those in §300.345(d).

(d) *Additional State consent requirements.* In addition to the parental consent requirements described in paragraph (a) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that a parent's refusal to consent does not result in a failure to provide the child with FAPE.

(e) *Limitation.* A public agency may not use a parent's refusal to consent to one service or activity under paragraphs (a) and (d) of this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall obtain written parent consent prior to any of the following:			
a. Conducting the evaluation for the initial placement of a child with a disability or a child suspected of having a disability;	Form PS-402	Principal or designee	Prior to conducting an initial evaluation

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. Making an initial placement or a change of placement of a child with a disability in a program providing special education and related services; **Note:** A "change in placement" is defined as a change from one option on the continuum of alternative placements to another. The continuum of alternative placements includes the following: (1) Regular classes; (2) Special classes; (3) Special schools; (4) Home instruction; and (5) Instruction in hospitals and institutions; or **For preschool children—** (6) Early childhood settings; (7) Early childhood special education settings; (8) Part-time early childhood settings and part-time early childhood special education settings; (9) Residential facilities; (10) Separate schools; (11) Itinerant services outside the home; and (12) Reverse mainstream settings.	Form IEP-607	IEP district representative	Ninety days from parental permission or 120 days from referral, whichever comes first, but prior to implementation of IEP
c. Conducting a reevaluation of a child with a disability, when new or additional testing is needed.	Form PS-402	Building principal or designee	Prior to conducting the reevaluation
2. If the parents of the child with a disability refuse consent for initial evaluation or a reevaluation, the school district may continue to pursue those evaluations by using the due process procedures as outlined in Section 7: Due Process Procedures of this manual.			
3. If the parents of the child with a disability fail to respond to a request for reevaluation, the school district need not obtain parental consent if the school district can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parents have failed to respond.	Forms PS-402 and CI-210❖	Superintendent or designee	

❖ Denotes optional procedure/form

FEDERAL STATUTE: 20 USC 1415(b)(1) **Types of procedures.**

(b) *Types of procedures*—The procedures required by this section shall include—

(1) an opportunity for the parents of a child with a disability to examine all records relating to such child and to participate in meetings with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education (FAPE) to such child, and to obtain an independent educational evaluation of the child.

FEDERAL REGULATION: §300.502 **Independent educational evaluation.**

(a) *General.*

(1) The parents of a child with a disability have the right under this part to obtain an independent educational evaluation of the child, subject to paragraphs (b) through (e) of this section.
(2) Each public agency shall provide to parents, upon request for an independent educational evaluation, information about where an independent educational evaluation may be obtained, and the agency criteria applicable for independent educational evaluations as set forth in paragraph (e) of this section.
(3) For purposes of this part—

(i) *Independent educational evaluation* means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for the education of the child in question; and
(ii) *Public expense* means that the public agency either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to the parent, consistent with §300.301.

(b) *Parent right to evaluation at public expense.*

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either—

(i) Initiate a hearing under §300.507 to show that its evaluation is appropriate; or
(ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing under §300.507 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency initiates a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.

(c) *Parent-initiated evaluations.* If the parent obtains an independent educational evaluation at private expense, the results of the evaluation—

(1) Must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to the child; and
(2) May be presented as evidence at a hearing under this subpart regarding that child.

(d) *Requests for evaluations by hearing officers.* If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

FEDERAL REGULATION: (Continued)

(e) *Agency criteria.*

(1) If an independent educational evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the public agency uses when it initiates an evaluation, to the extent those criteria are consistent with the parent's right to an independent educational evaluation.

(2) Except for the criteria described in paragraph (e)(1) of this section, a public agency may not impose conditions or timelines related to obtaining an independent educational evaluation at pubic expense.

STATE RULE:

A statement which provides for an independent educational evaluation at no cost to the parent if the parent disagrees with the evaluations provided by the school...

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Upon parental request for an Independent Educational Evaluation (IEE), the school district shall make available a listing of IEE services. If the parent disagrees with the school evaluation and requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the explanation by the parent may not be required and the public agency may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the public evaluation.	Form PS-406 and list provided by district	Superintendent or designee	
2. In developing a resource listing, the school district may take into account such practical issues as travel time, office hours, etc., of service providers who may act as potential sources for an independent educational evaluation.			
3. The school district shall consider the results of the IEE.			
4. However, the district may initiate a hearing to show that its evaluation is appropriate.	Form DP-702	Superintendent or designee	
a. If the district evaluation is found to be appropriate, parents still have the right to an IEE, but not at public expense.	Form PS-406	Superintendent or designee	
b. Parents may obtain an IEE at private expense. The results of the evaluation must be considered by the district in any decision made with respect to providing FAPE to the child and may be presented as evidence in any hearing.	Independent educational evaluation report	Superintendent or designee	
5. Hearing officers may request an IEE as part of a hearing. The cost must be at public expense.	IHO order	Hearing officer	
6. An IEE conducted at public expense must meet the same criteria, including the location of the evaluation and qualifications of the examiner(s) that the district uses when it initiates an evaluation.	Evaluation team report	Superintendent, designee, or hearing officer	

SECTION: Procedural Safeguards

TOPIC: Complaint Procedures

FEDERAL REGULATION: §§300.457(c), 300.660, 300.661, and 300.662

§300.457(c) Complaints.

(c) *State complaints.* Complaints that a SEA or LEA has failed to meet the requirements of §§300.451-300.462 may be filed under the procedures in §§300.660-300.662.

§300.660 Adoption of State complaint procedures.

(a) *General.* Each SEA shall adopt written procedures for—

(1) Resolving any complaint, including a complaint filed by an organization or individual from another State, that meets the requirements of §300.662 by—

(i) Providing for the filing of a complaint with the SEA; and
(ii) At the SEA's discretion, providing for the filing of a complaint with a public agency and the right to have the SEA review the public agency's decision on the complaint; and

(2) Widely disseminating to parents and other interested individuals, including parent training and information centers, protection and advocacy agencies, independent living centers, and other appropriate entities, the State's procedures under §§300.660-300.662.

(b) *Remedies for denial of appropriate services.* In resolving a complaint in which it has found a failure to provide appropriate services, an SEA, pursuant to its general supervisory authority under Part B of the Act, must address:

(1) How to remediate the denial of those services, including, as appropriate, the awarding of monetary reimbursement or other corrective action appropriate to the needs of the child; and

(2) Appropriate future provision of services for all children with disabilities.

§300.661 Minimum State complaint procedures.

(a) *Time limit; minimum procedures.* Each SEA shall include in its complaint procedures a time limit of 60 days after a complaint is filed under §300.660(a) to—

(1) Carry out an independent on-site investigation, if the SEA determines that an investigation is necessary;

(2) Give the complainant the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

(3) Review all relevant information and make an independent determination as to whether the public agency is violating a requirement of Part B of the Act or of this part; and

(4) Issue a written decision to the complainant that addresses each allegation in the complaint and contains—

(i) Findings of fact and conclusions; and
(ii) The reasons for the SEA's final decision.

(b) *Time extension; final decision; implementation.* The SEA's procedures described in paragraph (a) of this section also must—

(1) Permit an extension of the time limit under paragraph (a) of this section only if exceptional circumstances exist with respect to a particular complaint; and

(2) Include procedures for effective implementation of the SEA's final decision, if needed, including—

(i) Technical assistance activities;
(ii) Negotiations: and
(iii) Corrective actions to achieve compliance.

FEDERAL REGULATION: (Continued)

(c) *Complaints filed under this section, and due process hearings under §300.507 and §§300.520-300.528.*

(1) If a written complaint is received that is also the subject of a due process hearing under §300.507 or §§300.520-300.528, or contains multiple issues, of which one or more are part of that hearing, the Sate must set aside any part of the complaint that is being addressed in the due process hearing, until the conclusion of the hearing. However, any issue in the complaint that is not a part of the due process action must be resolved using the time limit and procedures described in paragraphs (a) and (b) of this section.

(2) If an issue is raised in a complaint filed under this section that has previously been decided in a due process hearing involving the same parties—

(i) The hearing decision is binding; and
(ii) The SEA must inform the complainant to that effect.

(3) A complaint alleging a public agency's failure to implement a due process decision must be resolved by the SEA.

§300.662 Filing a complaint.

(a) An organization or individual may file a signed written complaint under the procedures described in §§300.660-300.661.

(b) The complaint must include—

(1) A statement that a public agency has violated a requirement of Part B of the Act or of this part; and

(2) The facts on which the statement is based.

(c) The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received in accordance with §300.660(a) unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received under §300.660(a).

STATE RULE:

(Written in procedures below)

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district will ensure that prior written notice includes a description of the State's complaint procedure, which provides for the filing of a complaint by any individual, group of individuals, agency, or organization filing a complaint alleging violations of federal or state laws that apply to special education services. a. The complaint must: (1) Allege a violation that occurred not more than one year prior to the date the complaint is received, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received; (2) Be in writing; (3) Indicate the allegations and the circumstances on which the allegations are based; (4) Be signed by the complainant(s); and (5) Be submitted to the Ohio Department of Education, Division of Special Education or Division of Early Childhood Education.	Form PS-406		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. Assistance will be provided to anyone who needs help in filing a complaint. If the complainant is unable to put the complaint in written form, and/or if his or her native language is other than English, he or she should contact the Ohio Department of Education (ODE), Division of Special Education or the Division of Early Childhood Education for assistance.			
3. If the complainant has submitted a complaint and filed for a due process hearing on the same issue(s), the investigation of the complaint will be held in abeyance until a decision in the due process hearing has been made. The final decision issued as a result of the hearing is binding and not subject to the complaint procedures. If issues are identified in the complaint that are not part of a given due process hearing, they must be resolved in accordance with procedures in this section.			
4. The complaint investigator shall have the following responsibilities:			
a. The complaint will be date-stamped upon receipt.			
b. A letter of acknowledgment will be sent, within five (5) working days, to the complainant. This letter will inform the complainant of the general procedures that will be followed and the time lines for the investigation.		ODE	5 days
c. A consultant will be assigned by ODE and will contact the complainant and the school district. Depending on the nature of the issues identified in the letter of complaint, the consultant may offer mediation provided by a trained mediator or early complaint resolution (ECR) by giving the complainant and the school district the opportunity to resolve the issue(s) with assistance from the Division of Special Education or Division of Early Childhood Education before an investigation is begun.			
(1) Early complaint resolutions conducted on-site will result in a written agreement that includes a withdrawal of the complaint. Both parties will sign the agreement.			
(2) Early complaint resolutions conducted through telephone conversations will result in a letter from the ODE consultant stating the terms of the agreement, including a withdrawal of the complaint.			
(3) Mediations will be conducted in accordance procedures (refer to Section 7: Due Process Procedures, pages 1-4 of this manual).			
d. A letter of notification, listing the complainant's allegations, will be sent to the superintendent of the school district. The complainant will receive a copy of this letter and be informed that he or she may submit additional information that supports the complaint.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
e. If the school district requests a copy of the complainant's letter, it will be forwarded and the complainant notified of this action.			
f. The consultant assigned to the complaint will conduct an investigation. This may include an on-site investigation if the complaint cannot be resolved, based upon available written documentation or through telephone interviews with both parties.			
g. The investigation will be based on fact and findings specific to the allegation(s) stated in the letter of complaint. The reason for the decision will be outlined in the letter of findings.			
h. The Ohio Department of Education will issue a letter of findings to the complainant and to the school district within 60 calendar days of the receipt of the complaint.		ODE	60 days
i. If areas of noncompliance are found, corrective action will be required and time lines for completion indicated. (1) All parties will be informed of the areas of noncompliance and the required corrective actions; (2) If needed, technical assistance and/or negotiations will be offered to assist in implementing final decisions; and (3) If a failure to provide appropriate services was found, remediating the denial of services must address: (a) awarding of monetary reimbursement, if appropriate; or (b) other corrective action appropriate to the needs of the child; and (c) appropriate future provision of services for all children with disabilities.			
j. The 60-day time line may be extended by the Ohio Department of Education, if exceptional circumstances exist, such as: (1) The complexity of the issues requires additional time for investigation; (2) The need for additional information; (3) The unavailability of any of the necessary parties; (4) The request and agreement of both parties, for reasons such as illness, administrative need, or early complaint resolution; and/or			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(5) Additional complaint issues submitted by the same complainant, if the issues are different at the discretion of the consultant assigned to the complaint, there should be an individual determination made regarding the extension needed with respect to the particular case. The district administrator will be notified if additional issues are to be added. All parties shall be notified in writing of an extension and the reasons for it. k. Documentation that corrective action has been completed will be reviewed and placed in the complaint file maintained by the Division of Special Education or the Division of Early Childhood Education. l. If a complainant wishes to withdraw a complaint, the assigned consultant shall send a letter of confirmation to the complainant and the school district. A copy of the letter will be placed in the complaint file. 5. Complaints that are not covered by IDEA and State rules governing the delivery of services to children with disabilities will not be investigated, but will be acknowledged. Information about other methods for resolving concerns will be provided. 6. The school district will ensure that the parent(s) of a child with a disability who is enrolled in a nonpublic school has the right to file a complaint. Complaints may be filed regarding: a. The identification and evaluation of the parentally-placed child; b. The provision of services the school district has agreed to provide through a services plan; c. Expenditures of IDEA Part B funds for services to parentally-placed children; d. Transportation to access agreed upon services not provided at the nonpublic site; and e. Use of equipment and supplies purchased with IDEA Part B funds for the benefit of nonpublic school children with disabilities.			

SECTION: Procedural Safeguards

TOPIC: Requirements for Unilateral Placement by Parents of Children in Private Schools at Public Expense

FEDERAL REGULATION: 34 CFR §300.403 **Placement of children by parents if FAPE is at issue.**

(a) *General.* This part does not require an LEA to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made FAPE available to the child and the parents elected to place the child in a private school or facility. However, the public agency shall include that child in the population whose needs are addressed consistent with §§300.450-300.462.

(b) *Disagreements about FAPE.* Disagreements between a parent and a public agency regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures of §§300.500-300.517.

(c) *Reimbursement for private school placement.* If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private preschool, elementary, or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate. A parental placement may be found to be appropriate by a hearing officer or a court even if it does not meet the State standards that apply to education provided by the SEA and LEAs.

(d) *Limitation on reimbursement.* The cost of reimbursement described in paragraph (c) of this section may be reduced or denied—

(1) If—

(i) At the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the public agency to provide FAPE to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

(ii) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in paragraph (d)(1)(i) of this section;

(2) If, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in §300.503(a)(1), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for the evaluation; or

(3) Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

(e) *Exception.* Notwithstanding the notice requirement in paragraph (d)(1) of this section, the cost of reimbursement may not be reduced or denied for failure to provide the notice if—

(1) The parent is illiterate and cannot write in English;

(2) Compliance with paragraph (d)(1) of this section would likely result in physical or serious emotional harm to the child;

(3) The school prevented the parent from providing the notice; or

(4) The parents had not received notice, pursuant to section 615 of the Act, of the notice requirement in paragraph (d)(1) of this section.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district of residence must inform parents of parental notice requirements for unilateral placement of children in nonpublic schools at public expense. a. The parent notice requirements are as follows: (1) Parents must inform the IEP team, at the most recent IEP meeting attended prior to removing the child from the public school, that they are rejecting the placement proposed by the public agency to provide free appropriate public education (FAPE) to their child, including sharing their concerns and their intent to enroll their child in a nonpublic school at public expense; or (2) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents must give written notice to the school district that includes their rejection of the placement proposed to provide FAPE, their concerns, and their intent to enroll their child in a nonpublic school at public expense. b. Reimbursement costs may be reduced or denied by a court or hearing officer if: (1) The parent does not inform the IEP team or provide written notice as required under item a. above; (2) The parents did not make their child available for evaluation, although, prior to the parent's removal of their child from the public school, the public agency informed the parents, through the prior written notice requirements (including a statement of the purpose of the evaluation that was appropriate and reasonable), of its intent to evaluate the child; or (3) There is a judicial finding of unreasonableness with respect to actions taken by the parents. c. The cost of reimbursement for a nonpublic school placement may not be reduced or denied for failure by the parent to provide the notice described in items a. and b. above if: (1) The parent is illiterate and cannot write in English; (2) Compliance with the parent notification requirement would likely result in physical or serious emotional harm to the child; (3) The school prevented the parent from providing such notice; or (4) The parent had not received his/her procedural safeguards (i.e., Whose *IDEA* Is This? *A Resource Guide for Parents:* Parent Notice of Procedural Safeguards).			

SECTION: Procedural Safeguards

TOPIC: Surrogate Parent

FEDERAL REGULATION: 34 CFR §§300.515 and 300.20

§300.515 Surrogate parents.

(a) *General.* Each public agency shall ensure that the rights of a child are protected if—

- (1) No parent (as defined in §300.20) can be identified;
- (2) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or
- (3) The child is a ward of the State under the laws of that State.

(b) *Duty of public agency.* The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for the parents. This must include a method—

- (1) For determining whether a child needs a surrogate parent; and
- (2) For assigning a surrogate parent to the child.

(c) *Criteria for selection of surrogates.*

- (1) The public agency may select a surrogate parent in any way permitted under State law.
- (2) Except as provided in paragraph (c)(3) of this section, public agencies shall ensure that a person selected as a surrogate—
    - (i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;
    - (ii) Has no interest that conflicts with the interest of the child he or she represents; and
    - (iii) Has knowledge and skills that ensure adequate representation of the child.
- (3) A public agency may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the standards in paragraphs (c)(2)(ii) and (iii) of this section.

(d) *Non-employee requirement; compensation.* A person who otherwise qualifies to be a surrogate parent under paragraph (c) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) *Responsibilities.* The surrogate parent may represent the child in all matters relating to—

- (1) The identification, evaluation, and educational placement of the child; and
- (2) The provision of FAPE to the child.

§300.20 Parent.

(a) *General.* As used in this part, the term parent means—

- (1) A natural or adoptive parent of a child;
- (2) A guardian but not the State if the child is a ward of the State;
- (3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
- (4) A surrogate parent who has been appointed in accordance with §300.515.

(b) *Foster parent.* Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part B of the Act if—

- (1) The natural parents' authority to make educational decisions on the child's behalf has been extinguished under state law; and
- (2) The foster parent—
    - (i) Has an ongoing, long-term parental relationship with the child;
    - (ii) Is willing to make the educational decisions required of parents under the Act; and
    - (iii) Has no interest that would conflict with the interests of the child.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. When written permission is not forthcoming from the child's parent or legal guardian* to begin any of the evaluation processes, reasonable inquiry including, but not necessarily limited to, a written inquiry, shall be sent to the adult in charge of the child's place of residence, as well as to the parent or legal guardian* at the last known address. If these efforts determine that no parent or legal guardian* can be identified, the parents whereabouts cannot be discovered after reasonable efforts, or the child is a ward of the state, the superintendent of the parent(s) district of residence or the superintendent's designated representative shall, within 30 days, utilize all available information to determine if the child is in need of a surrogate and shall assign one if such study so indicates.	Form PS-404	Superintendent or designee of district of residence	Within 30 days of request for parent surrogate
2. The district where the parent resides maintains the ultimate responsibility for the appointment of a surrogate parent, so that—	Form PS-404	Superintendent or designee of district of residence	Upon determination that the child is need of a surrogate
a. To the extent possible, the surrogate parent should match the child's cultural and linguistic background.			
b. A surrogate parent shall have no interest that conflicts with the interests of the child represented.			
c. A person assigned as a surrogate parent shall not be an employee of any public agency involved in the education or care of the child. A short-term foster parent (who is not designated as a planned permanent living arrangement) would not be excluded by this requirement unless the person was otherwise an employee of such a public agency involved in the care of the child. A person who otherwise qualifies to be a surrogate parent under these procedures is not an employee of the agency solely because of being paid by the school district to serve as a surrogate parent.			
d. A school district or other educational agency may appoint a person who is an employee of a nonpublic agency that only provides non-educational care for the child who meets the other requirements.			
e. The school district will contact the area special education regional resource center (SERRC) and arrange for training sessions.	SERRC certification of training completion		
f. Surrogate parents shall successfully complete training prescribed by the Ohio Department of Education prior to appointment and acting on behalf of the child.		Special education director or designee	Prior to appointment and prior to acting on behalf of the child
* Does not include the State, if the child is a ward of the State.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. However, if requested by the district of residence and/or mutually agreed upon, the district of attendance may appoint the surrogate.` It is recommended in this case that a trained surrogate be appointed within 15 days upon determining that the child is in need of a surrogate.	Forms PS-404 and PS-405	Superintendent or designee of district of residence	
4. The surrogate parent will be responsible for protecting the rights of the child through the complete decision-making process as described in these procedures.			
5. A child who has reached the age of majority may request a surrogate parent when no parent is available.	Form PS-404	Child of age of majority	Upon determination that the child is in need of a surrogate
6. The school district should review annually the appointment of each parent surrogate, to ensure that the rights of the child are protected.	Form PS-404	Superintendent	As needed

Additional Resources: ***[In Process of Revisions]***

Ohio Department of Education. (1985). *Parent surrogate trainer's guide: IRC manual.* Columbus, OH: Author.

FEDERAL STATUTE: 20 USC 1412(a)(22), 1414(d)(3)(B)(i), and 1418(a)(1)(A)(vii)(I)-(III)

1412(a)(22) Suspension and expulsion rates.

(A) *In General.*—The State educational agency examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

(i) among local educational agencies in the State; or

(ii) compared to such rates for nondisabled children within such agencies.

(B) *Review and Revision of Policies.*—If such discrepancies are occurring, the State educational agency reviews and, if appropriate, revises (or requires the affected State or local educational agency to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that such policies, procedures, and practices comply with this Act.

1414(d)(3)(B)(i) Consideration of special factors.

The IEP team shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;...

1418(a)(1)(A)(vii)(I)-(III) Program information.

(vii)(I) the number of children with disabilities, by race, ethnicity, and disability category, who under subparagraphs (A)(ii) and (B) of section 615(k)(1) , are removed to an interim alternative educational setting;

(II) the acts or items precipitating those removals; and

(III) the number of children with disabilities who are subject to long-term suspensions, or expulsions; ...

FEDERAL REGULATION: 34 CFR §§300.121(d) and 300.146

§300.121(d) FAPE for children suspended or expelled from school.

(1) A public agency need not provide services during periods of removal under §300.520(a)(1) to a child with a disability who has been removed from his or her current placement for 10 school days or less in that school year, if services are not provided to a child without disabilities who has been similarly removed.

(2) In the case of a child with a disability who has been removed from his or her current placement for more than 10 school days in that school year, the public agency, for the remainder of the removals, must—

(i) Provide services to the extent necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP, if the removal is—

(A) Under the school personnel's authority to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519(b) (§300.520((a)(1)) or
(B) For behavior that is not a manifestation of the child's disability, consistent with §300.524; and

(ii) Provide services consistent with §300.522, regarding determination of the appropriate interim alternative educational setting, if the removal is—

(A) For drug or weapons offenses under §300.520(a)(2); or
(B) Based on a hearing officer determination that maintaining the current placement of the child is substantially likely to result in injury to the child or to others if he or she remains in the current placement, consistent with §300.521.

FEDERAL REGULATION: (Continued)

(3) (i) School personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed under the authority of school personnel to remove for not more than 10 consecutive school days as long as that removal does not constitute a change of placement under §300.519 [§300.520(a)(1)].

(ii) The child's IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the child's IEP if the child is removed because of behavior that has been determined not to be a manifestation of the child's disability, consistent with §300.524.

§300.146 Suspension and expulsion rates.

The State must have on file with the Secretary information to demonstrate that the following requirements are met:

(a) *General.* The SEA examines data to determine if significant discrepancies are occurring in the rate of long-term suspensions and expulsions of children with disabilities—

(1) Among LEAs in the State; or
(2) Compared to the rates for nondisabled children within the agencies.

(b) *Review and revision of policies.* If the discrepancies described in paragraph (a) of this section are occurring, the SEA reviews and, if appropriate, revises (or requires the affected State agency or LEA to revise) its policies, procedures, and practices relating to the development and implementation of IEPs, the use of behavioral interventions, and procedural safeguards, to ensure that these policies, procedures, and practices comply with the Act.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Introductory Comments The purpose of the disciplinary provisions of IDEA is to enable school personnel to ensure learning environments that are safe and conducive to learning for all and to give those officials and parents the opportunity to determine what is the appropriate placement for the child.			
As a policy matter, it makes a great deal of sense to attend to behavior of children with disabilities that is interfering with their education or that of others, so that the behavior can be addressed, even when that behavior will not result in a change of placement. In fact, IDEA now emphasizes a proactive approach to behaviors that interfere with learning requiring that, for children with disabilities whose behavior impedes their learning or that of others, the IEP team, as appropriate, considers and address in the child's IEP positive behavioral interventions, strategies, and supports to address the behavior.	Form IEP-607	IEP team	
1. For disciplinary removals, there are three main areas covered in the law and regulation: a. Code of conduct— (1) Removals of 10 school days or less during a school year (refer to pages 26 and 27 of this section), (2) Subsequent short-term removals beyond the first 10 school days for a school year that are not a change in placement (refer to pages 27 and 28 of this section), and			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(3) Subsequent removals that are more than 10 school days or a series of removals that constitute a pattern that is considered a change of placement (refer to pages 28 and 29 of this section); b. Drugs/weapons (refer to page 30 through 33 of this section); and/or c. Dangerous behavior (refer to pages 34 and 35 of this section).			
2. School district personnel shall provide data to EMIS, annually, on the following items: a. Attendance Record, b. Date of Discipline, c. Type of Discipline, d. Discipline Reason, e. Total Discipline Days, and f. Interim Alternative Educational Setting.		Superintendent or designee	

SECTION: Procedural Safeguards (Discipline)

TOPIC: Authority of School Personnel: Code of Conduct Violation

FEDERAL STATUTE: 20 USC 1415(k)(1) **Authority of school personnel.**

(A) School personnel under this section may order a change in the placement of a child with a disability—

- (i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and
- (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if—
  - (I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or
  - (II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)—

- (i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or
- (ii) if the child already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

FEDERAL REGULATION: 34 CFR §§300.519 and 300.520

§300.519 Change of placement for disciplinary removals.

For purposes of removals of a child with a disability from the child's current educational placement under §§300.520-300.529, a change of placement occurs if—

(a) The removal is for more than 10 consecutive school days; or

(b) The child is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year, and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of the removals to one another.

§300.520 Authority of school personnel.

(a)(1) School personnel may order—

- (i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b);
- (ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if—

- (i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or
- (ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

FEDERAL REGULATION: (Continued)

(b)(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.

(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) *Controlled substance* means a drug or other substance identified under schedules I,II,III,IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug—

(i) Means a controlled substance; but

(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code, which states: ***Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.***

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. **Removals of ten school days or less during a school year**			
a. School personnel may order a child removed from school for not more than 10 school days in a school year for any violation of school rules without providing services.	Form PS-409❖	Superintendent or designee	
b. Short-term removals from school			
❖(1) may indicate a need for IEP review to determine necessity for positive behavioral interventions and supports to address the behavior of concern; and		IEP team	

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
❖(2) may indicate a need for a functional behavior assessment (refer to Section 6: IEP, pages 37 and 38 of this manual).	Appendix F❖ FBA Pages 8 and 9	IEP team	
Note: The district will follow disciplinary procedures that are applicable to all students, in accordance with the Ohio Revised Code 3313.66.			
2. **Short-Term Removals Following the Initial 10 School Days of Removal in the School Year - Not a Change of Placement**	Form PS-409❖	Superintendent or designee	
a. School personnel may order a child removed from school for additional periods of not more than 10 consecutive school days in a school year for separate incidents of misconduct, as long as these removals do not constitute a change in the child's placement.			
School personnel must consider: (1) the length of each removal; (2) the total amount of time removed; and (3) the proximity of the removals to each other.			Prior to the removal of more than 10 days
Note: The district will follow disciplinary procedures that are applicable to all students, in accordance with the Ohio Revised Code 3313.66.			
b. A removal under these circumstances requires:	Appendix F❖ FBA Pages 8 and 9	IEP team	Not later than 10 business days, after first removing the child for more than 10 school days in a school year
(1) the IEP team to meet within 10 business days after first removing the child for more than 10 school days in a school year to develop an assessment plan if the school district did not conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a FBA was not completed, a functional behavior assessment plan must be developed to—			
(a) address the function of the behavior; and		IEP team	
(b) attend to patterns, if appropriate, such as accumulation of more than 10 days of removal in a school year, length of each removal, total amount of time, and proximity of removals to each other.	Form PS-409❖	Superintendent or designee	
(2) the IEP team to develop appropriate behavioral interventions, if needed, to address the child's behavior and implement those interventions—	Appendix F❖, BIP Pages 10 - 12	IEP team	
(a) if a behavior intervention plan is already in place, then IEP team members are required to review the plan; and			
(b) if one or more IEP team member(s) believes there is a need for modification, the team shall meet to modify, as the team deems necessary.		IEP team	

❖Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(3) the provision of FAPE, in which school personnel, in consultation with the child's special education teacher, determine the extent to which services are necessary to enable the child to appropriately— (a) progress in the general curriculum; and (b) advance toward achieving the goals set out in the child's IEP. **Note:** The district will follow disciplinary procedures that are applicable to all students, in accordance with the Ohio Revised Code 3313.66.		School personnel, in consultation with special education teacher	From the eleventh day of removal in a school year
3. **Removals following the Initial 10 Days of Removal in the School Year - Change of Placement**			
a. School personnel may order a child removed from school for violation of school rules and this removal **does constitute a change in the child's placement,** because either the removal is more than 10 consecutive school days in a school year, or the removal constitutes a pattern because they accumulate to more than 10 school days in a year; and because of factors such as the length of each removal, the total amount of time the child is removed, and the proximity of removals to one another.	Forms PS-409❖ and PS-407❖ or district documentation	IEP team	
School personnel must consider: (1) the length of each removal; (2) the total amount of time removed; and (3) the proximity of the removals to each other.			Prior to the removal of more than 10 days
b. Removal from school under these circumstances requires: (1) school personnel to provide to the parent— (a) notification of the decision of action taken; and (b) procedural safeguards. **Note 1:** The district will follow disciplinary procedures that are applicable to all students, in accordance with the Ohio Revised Code 3313.66. **Note 2:** Neither parent consent nor prior written notice is required for a change in placement as a result of disciplinary action.	Forms PS-406 and PS-407❖ or district documentation	Superintendent or designee	No later than the date on which the decision to remove the child is made
(2) the IEP team to conduct a manifestation determination to review the relationship between the child's disability and the behavior subject to disciplinary action (refer to pages 41 and 42 of this section).	Form PS-410	IEP team	Within 10 school days of the decision to take disciplinary action

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(3) the IEP team to meet within 10 business days after first removing the child for more than 10 school days in a school year to develop an assessment plan if the school district did not conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a FBA was not completed, a functional behavioral assessment plan must be developed to— (a) address the function of the behavior; and	Appendix F❖ FBA Pages 8 and 9	IEP team	No later than 10 business days, after first removing the child for more than 10 school days in a school year
(b) attend to patterns, if appropriate, such as accumulation of more than 10 days of removal in a school year, length of each removal, total amount of time, and proximity of removals to each other.	Form PS-409❖	Superintendent or designee	
(4) the IEP team to develop and implement appropriate behavioral interventions to address the child's behavior. If a behavior intervention plan is already in place then the IEP team members are required to meet and review the plan.	Appendix F❖, BIP Pages 10-12		
(5) the provision of FAPE—			
(a) if the behavior is a manifestation of a disability, and if the IEP team has identified deficiencies in the IEP, placement, or its implementation, the IEP team must take immediate steps to remedy those deficiencies.		IEP team	From the 11th day of removal for a school year
(b) if the behavior is not a manifestation of a disability, the IEP team determines the extent to which services are necessary to enable the child to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the IEP.		IEP team	

Additional Resources:

Ohio Revised Code: Section 3313.66

❖ **Denotes optional procedure/form**

FEDERAL STATUTE: 20 USC 1415(k)(1) **Authority of school personnel.**

(A) School personnel under this section may order a change in the placement of a child with a disability—

- (i) to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives would be applied to children without disabilities); and
- (ii) to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days if—
  - (I) the child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or
  - (II) the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

(B) Either before or not later than 10 days after taking a disciplinary action described in subparagraph (A)—

- (i) if the local educational agency did not conduct a functional behavioral assessment and implement a behavioral intervention plan for such child before the behavior that resulted in the suspension described in subparagraph (A), the agency shall convene an IEP meeting to develop an assessment plan to address that behavior; or
- (ii) if the child already has a behavioral intervention plan, the IEP team shall review the plan and modify it, as necessary, to address the behavior.

FEDERAL REGULATION: 34 CFR §§300.121(d) and 300.520

§300.121(d) FAPE for children suspended or expelled from school.

(Refer to pages 22 and 23 of this section for Federal Regulation)

§300.520 Authority of school personnel.

(a)(1) School personnel may order—

- (i) To the extent removal would be applied to children without disabilities, the removal of a child with a disability from the child's current placement for not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement under §300.519(b);

- (ii) After a child with a disability has been removed from his or her current placement for more than 10 school days in the same school year, during any subsequent days of removal the public agency must provide services to the extent required under §300.121(d); and

(2) A change in placement of a child with a disability to an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 days, if—

- (i) The child carries a weapon to school or to a school function under the jurisdiction of a State or a local educational agency; or

- (ii) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function under the jurisdiction of a State or local educational agency.

FEDERAL REGULATION: (Continued)

(b)(1) Either before or not later than 10 business days after either first removing the child for more than 10 school days in a school year or commencing a removal that constitutes a change of placement under §300.519, including the action described in paragraph (a)(2) of this section—

(i) If the LEA did not conduct a functional behavioral assessment and implement a behavioral intervention plan for the child before the behavior that resulted in the removal described in paragraph (a) of this section, the agency shall convene an IEP meeting to develop an assessment plan.
(ii) If the child already has a behavioral intervention plan, the IEP team shall meet to review the plan and its implementation, and, modify the plan and its implementation as necessary, to address the behavior.

(2) As soon as practicable after developing the plan described in paragraph (b)(1)(i) of this section, and completing the assessments required by the plan, the LEA shall convene an IEP meeting to develop appropriate behavioral interventions to address that behavior and shall implement those interventions.

(c)(1) If subsequently, a child with a disability who has a behavioral intervention plan and who has been removed from the child's current educational placement for more than 10 school days in a school year is subjected to a removal that does not constitute a change of placement under §300.519, the IEP team members shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

(2) If one or more of the team members believe that modifications are needed, the team shall meet to modify the plan and its implementation, to the extent the team determines necessary.

(d) For purposes of this section, the following definitions apply:

(1) *Controlled substance* means a drug or other substance identified under schedules I,II,III,IV, or V in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)).

(2) Illegal drug—

(i) Means a controlled substance; but
(ii) Does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of Federal law.

(3) Weapon has the meaning given the term "dangerous weapon" under paragraph (2) of the first subsection (g) of section 930 of title 18, United States Code, which states: ***Weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2.5 inches in length.***

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. School personnel may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting if: a. the child carries a weapon to school or a school function; or b. the child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. A change in placement requires: a. school personnel to provide to the parent— (1) notification of the decision of action taken; and (2) procedural safeguards.	Forms PS-406 and PS-407❖ or District Notification of Disciplinary Action	Superintendent or designee	No later than the date on which the decision to take action is made
b. the IEP team to conduct a manifestation determination to review the relationship between the student's disability and behavior subject to the disciplinary action (refer to pages 41 and 42 of this section).	Form PS-410	IEP team	No later than 10 school days after making the decision to remove the student
Note 1: The district will follow disciplinary procedures that are applicable to all students, in accordance with the Ohio Revised Code 3313.66. **Note 2:** Neither parent consent nor prior written notice is required for a change in placement as a result of disciplinary action.			
c. the IEP team to meet within 10 business days after first removing the child for more than 10 school days in a school year to develop an assessment plan if the school district did not conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a FBA was not completed, a functional behavioral assessment plan must be developed to—	Appendix F❖ FBA Pages 8 and 9, and Form PS-410	IEP team and school personnel	No later than 10 business days after first removing the student for more than 10 school days in a school year
(1) address the function of the behavior; and		IEP team	
(2) attend to patterns, if appropriate, such as accumulation of more than 10 days of removal in a school year, length of each removal, total amount of time, and proximity of removals to each other.	Form PS-409❖	Superintendent or designee	
d. the IEP team to develop appropriate behavioral interventions, if needed, to address the child's behavior and implement those interventions if a behavior intervention plan is already in place, the IEP team members are required to meet and review the plan.	Appendix F❖ BIP Pages 10-12	IEP team	See above

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
e. the provision of FAPE—			
(1) if the behavior is a manifestation of the child's disability, the IEP team determines the interim alternative educational setting (IAES) , which meets the requirements listed on page 36 of this section, for a maximum removal of 45 days. On the 46th day, if the IEP team does not change the placement, the student returns to his or her previous placement; and		IEP team	
(2) if the behavior is not a manifestation of the child's disability, the IEP team determines the interim alternative educational setting (IAES) that meets the requirements listed on pages 36 and 37 of this section, for up to 45 days. Before the end of the 45-day period, the IEP team must meet to determine services necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving goals set out in the student's IEP. The student can be removed for the same number of days as a student without a disability.		IEP team	

Related Appendices:

Appendix E: Family Education Rights and Privacy Act Regulations (FERPA)

Appendix F❖: Technical Assistance for Implementation of the Behavior Intervention Process

❖Denotes optional procedure/form

SECTION: Procedural Safeguards (Discipline)

TOPIC: Authority of Hearing Officer: Dangerous Behavior

FEDERAL STATUTE: 20 USC 1415(k)(2) **Authority of hearing officer.**

A hearing officer under this section may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer—

(A) determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of such child is substantially likely to result in injury to the child or to others;

(B) considers the appropriateness of the child's current placement;

(C) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(D) determines that the interim alternative educational setting meets the requirements of paragraph (3)(B).

FEDERAL REGULATION: 34 CFR §300.521 **Authority of hearing officer.**

A hearing officer under section 615 of the Act may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting for not more than 45 days if the hearing officer, in an expedited due process hearing—

(a) Determines that the public agency has demonstrated by substantial evidence that maintaining the current placement of the child is substantially likely to result in injury to the child or to others;

(b) Considers the appropriateness of the child's current placement;

(c) Considers whether the public agency has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and

(d) Determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements of Sec. 300.522(b).

(e) As used in this section, the term *substantial evidence* means beyond a preponderance of the evidence.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. If school personnel believe that a student is a danger to him/herself or others, they may initiate an expedited due process hearing (refer to pages 43-46 of this section).		Hearing officer	Forty-five days with no extensions
2. School personnel must provide the parent: a. notification of request for an expedited hearing; and b. procedural safeguards.	Forms PS-406 and PS-408	Superintendent or designee	No later than the date on which the decision to take action is made

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. The IEP team must convene to:			
a. conduct a manifestation determination;	Form PS-410	IEP team	No later than 10 business days after requesting the expedited hearing
b. develop an assessment plan, if the school district did not conduct a functional behavior assessment (FBA) and implement a behavioral intervention plan (BIP) for the student. If a FBA was not completed, a functional behavioral assessment plan must be developed; and	Appendix F❖	IEP team	No later than 10 business days after requesting the expedited hearing
c. review the plan, if an intervention plan is already in place.			
4. A hearing officer may order a change in the placement of a child with a disability to an appropriate interim alternative educational setting if the hearing officer:			Not more than 45 days
a. determines that the school district has demonstrated, by substantial evidence (beyond a preponderance of the evidence), that maintaining the current placement of such child is substantially likely to result in injury to the child or to others (refer to pages 43-46 of this section);			
b. considers the appropriateness of the child's current placement;			
c. considers whether the school district has made reasonable efforts to minimize the risk of harm in the child's current placement, including the use of supplementary aids and services; and			
d. determines that the interim alternative educational setting, which is proposed by school personnel who have consulted with the child's special education teacher, meets the requirements for Interim Alternative Educational Settings (IAES) (refer to pages 36 and 37 of this section).			
5. School officials may pursue an injunction from a court or other relief as permitted by law (refer to pages 43-46 of this section) at anytime when they believe that a student is a danger to himself or others.			

❖**Denotes optional procedure/form**

SECTION: Procedural Safeguards (Discipline)

TOPIC: Determination of Setting: Interim Alternative Educational Setting

FEDERAL STATUTE: 20 USC 1415(k)(3) **Determination of setting.**

(A) *In General.* The alternative educational setting described in paragraph (1)(A)(ii) shall be determined by the IEP team.

(B) *Additional requirements.* Any interim alternative educational setting in which a child is placed under paragraph (1) or (2) shall—

- (i) be selected so as to enable the child to continue to participate in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
- (ii) include services and modifications designed to address the behavior described in paragraph (1) or paragraph (2) so that it does not recur.

FEDERAL REGULATION: 34 CFR §300.522 **Determination of setting.**

(a) *General.* The interim alternative educational setting referred to in § 300.520(a)(2) must be determined by the IEP team.

(b) *Additional requirements.* Any interim alternative educational setting in which a child is placed under §§ 300.520(a)(2) or 300.521 must—

- (1) Be selected so as to enable the child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and
- (2) Include services and modifications to address the behavior described in §300.520(a)(2) or §300.521, that are designed to prevent the behavior from recurring.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. An interim alternative educational setting (IAES) is considered in the following situations:			
a. For drug and weapon violations, the IEP team determines the interim alternative setting with the authority to remove to the IAES resting with the school district.		IEP team	
b. For dangerous behavior violations, the interim alternative educational setting is proposed by school personnel in consultation with the child's special education teacher with the authority to remove resting with the hearing officer.		Hearing officer	Expedited
c. For removals of less than 10 days for code of conduct violations that are not a change of placement, school personnel may remove a student to an interim alternative educational setting. If this removal constitutes a change of placement, the procedures regarding code of conduct violations, beginning on page 25 of this section, are followed.		Superintendent or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. Any interim alternative educational setting for drugs, weapons, or dangerous behavior must be selected so as to enable the child to: (a) continue to progress in the general curriculum, although in another setting; (b) continue to receive those services and modifications, including those described in the child's current IEP, that will enable the child to meet the goals set out in that IEP; and (c) receive services and modifications designed to— (1) address the behavior that resulted in removal from the child's current educational placement, and (2) prevent the behavior from recurring.	Form IEP-607	IEP team or hearing officer	

FEDERAL STATUTE: 20 USC 1415(k)(1), 1415(k)(4), and 1415(k)(5)

1415(k)(1) Authority of school personnel. (Refer to page 25 of this section for Federal Statute)

1415(k)(4) Manifestation determination review.

(A) *In General.* If a disciplinary action is contemplated as described in paragraph (1) (page 30 of this section) or paragraph (2) (page 34 of this section) for a behavior of a child with a disability described in either of those paragraphs, or if a disciplinary action involving a change of placement for more than 10 days is contemplated for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the local educational agency that applies to all children—

(i) not later than the date on which the decision to take that action is made, the parents shall be notified of that decision and of all procedural safeguards accorded under this section; and
(ii) immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review shall be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(B) *Individuals to carry out review.* A review described in subparagraph (A) shall be conducted by the IEP team and other qualified personnel.

(C) *Conduct of review.* In carrying out a review described in subparagraph (A), the IEP team may determine that the behavior of the child was not a manifestation of such child's disability only if the IEP team—

(i) first considers, in terms of the behavior subject to disciplinary action, all relevant information, including—

(I) evaluation and diagnostic results, including such results or other relevant information supplied by the parents of the child;
(II) observations of the child; and
(III) the child's IEP and placement; and

(ii) then determines that—

(I) in relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
(II) the child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
(III) the child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

1415(k)(5) Determination that behavior was not manifestation of disability.

(A) *In General.* If the result of the review described in paragraph (4) is a determination, consistent with paragraph (4)(C), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in section 612(a)(1).

(B) *Additional requirement.* If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

FEDERAL REGULATION: 34 CFR §§300.520, 300.523, and 300.524

§300.520 Authority of school personnel. (Refer to pages 25 and 26 of this section for Federal Regulation)

FEDERAL REGULATION: (Continued)

§300.523 Manifestation determination review.

(a) *General.* If an action is contemplated regarding behavior described in §§300.520(a)(2) or 300.521, or involving a removal that constitutes a change of placement under §300.519 for a child with a disability who has engaged in other behavior that violated any rule or code of conduct of the LEA that applies to all children—

(1) Not later than the date on which the decision to take that action is made, the parents must be notified of that decision and provided the procedural safeguards notice described in §300.504; and
(2) Immediately, if possible, but in no case later than 10 school days after the date on which the decision to take that action is made, a review must be conducted of the relationship between the child's disability and the behavior subject to the disciplinary action.

(b) *Individuals to carry out review.* A review described in paragraph (a) of this section must be conducted by the IEP team and other qualified personnel in a meeting.

(c) *Conduct of review.* In carrying out a review described in paragraph (a) of this section, the IEP team and other qualified personnel may determine that the behavior of the child was not a manifestation of the child's disability only if the IEP team and other qualified personnel—

(1) First consider, in terms of the behavior subject to disciplinary action, all relevant information, including—

(i) Evaluation and diagnostic results, including the results or other relevant information supplied by the parents of the child;
(ii) Observations of the child; and
(iii) The child's IEP and placement; and

(2) Then determine that—

(i) In relationship to the behavior subject to disciplinary action, the child's IEP and placement were appropriate and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the child's IEP and placement;
(ii) The child's disability did not impair the ability of the child to understand the impact and consequences of the behavior subject to disciplinary action; and
(iii) The child's disability did not impair the ability of the child to control the behavior subject to disciplinary action.

(d) *Decision.* If the IEP team and other qualified personnel determine that any of the standards in paragraph (c)(2) of this section were not met, the behavior must be considered a manifestation of the child's disability.

(e) *Meeting.* The review described in paragraph (a) of this section may be conducted at the same IEP meeting that is convened under § 300.520(b).

(f) *Deficiencies in IEP or placement.* If, in the review in paragraphs (b) and (c) of this section, a public agency identifies deficiencies in the child's IEP or placement or in their implementation, it must take immediate steps to remedy those deficiencies.

§300.524 Determination that behavior was not manifestation of disability.

(a) *General.* If the result of the review described in §300.523 is a determination, consistent with §300.523(d), that the behavior of the child with a disability was not a manifestation of the child's disability, the relevant disciplinary procedures applicable to children without disabilities may be applied to the child in the same manner in which they would be applied to children without disabilities, except as provided in §300.121(d).

(b) *Additional requirement.* If the public agency initiates disciplinary procedures applicable to all children, the agency shall ensure that the special education and disciplinary records of the child with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.

(c) *Child's status during due process proceedings.* Except as provided in §300.526, § 300.514 applies if a parent requests a hearing to challenge a determination, made through the review described in §300.523, that the behavior of the child was not a manifestation of the child's disability.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Functional Behavior Assessment			
1. The IEP team must convene to develop an assessment plan that shall include a functional behavior assessment (FBA).	Appendix F❖	IEP team and other qualified personnel	
2. If the school district did not conduct a FBA and implement a behavioral intervention plan, they must complete a FBA			
a. either before or after taking disciplinary action for drugs and weapons, or			Before or not later than 10 business days
b. when a student has been removed for more than 10 school days in a school year.			
❖3. A FBA is not required for removals less than 10 school days for the school year. However, a FBA would be useful when:			
a. behavioral interventions have been unsuccessful in teaching the child new behaviors; and			
b. classroom management strategies have not been effective.			
4. The IEP team then must use the assessment information to:			
a. develop appropriate behavioral interventions, if needed, to address the behavior and shall implement those interventions; and		Superintendent or designee	As soon as practicable
b. attend to patterns, if appropriate, such as accumulation of more than 10 days of removal in a school year, length of each removal, total amount of time, and proximity of removals to each other.	Form PS-409❖		

❖Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Manifestation Determination			
1. A review of the relationship(s) between a behavior subject to disciplinary action and the student's disability must be made, if an action involving a removal of a child from the child's current placement constitutes a change of placement.	Form PS-410	IEP team and other qualified personnel	Immediately or not later than ten school days after the decision to remove the student for disciplinary action
2. In carrying out this review, the IEP team shall consider in terms of the behavior subject to disciplinary action, all relevant information, including: a. Evaluation, b. Diagnostic results, c. Other relevant information supplied by the student's parents, d. Observations of the student, e. The student's IEP, f. The student's placement, and g. The functional behavior assessment, if previously completed.			
3. In relationship to the behavior subject to disciplinary action, the IEP team shall determine whether: a. The child's IEP and placement were appropriate; b. Special education services, supplementary aids and services, and behavioral intervention strategies were provided consistent with the child's IEP and placement; c. The student's disability did not impair the student's ability to understand the impact and consequences of the behavior subject to disciplinary action; and d. The student's disability did not impair the ability of the student to control the behavior subject to disciplinary action.	Form PS-410	IEP team	Immediately or not later than ten school days after the decision to remove the student for disciplinary action
4. If the IEP team determines that any of the standards in item 3 above are not met, the student's behavior subject to disciplinary action MUST be considered a manifestation of the student's disability.	Form PS-410	IEP team	Same as above
a. If behavior of concern **IS** a manifestation of disability, then school personnel must remedy any deficiencies found in: (1) The student's IEP; (2) The student's placement; or (3) Implementation of (1) or (2).	Form PS-410	IEP team	Same as above

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. If behavior subject to disciplinary action **IS NOT** a manifestation of the student's disability, then:		IEP team	Immediately or not later than 10 school days after the decision to remove the student for disciplinary action
(1) relevant disciplinary procedures applicable to students without disabilities may be applied in the same manner in which they would be applied to students without disabilities; and			
(2) a free, appropriate, public education shall be provided to students with disabilities while they are suspended or expelled from school for more than 10 days in the same school year.	Form IEP-607		
c. If the removal is for drug, weapons, or dangerous behavior, services are provided in an interim alternative educational setting.		Superintendent or designee	Prior to final determination
5. If the school district initiates disciplinary procedures applicable to all children, the school district must ensure that special education and disciplinary records are transmitted for consideration by the person(s) making the final determination regarding disciplinary action.			
6. If a parent challenges the manifestation determination in an expedited due process hearing, the child stays put in:			
a. the interim alternative educational setting (IAES) for drug/weapon/dangerous behavior; and			
b. the current placement for code of conduct violations that are not included in 6.a. above.			

FEDERAL STATUTE: 20 USC 1415(k)(6) and (7)

1415(k)(6) Parent appeal.

(A) *In General.*

(i) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement, the parent may request a hearing.

(ii) The State or local educational agency shall arrange for an expedited hearing in any case described in this subsection when requested by a parent.

(B) *Review of Decision.*

(i) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of such child's disability consistent with the requirements of paragraph (4)(C).

(ii) In reviewing a decision under paragraph (1)(A)(ii) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards set out in paragraph (2).

1415(k)(7) Placement during appeals.

(A) *In General.* When a parent requests a hearing regarding a disciplinary action described in paragraph (1)(A)(ii) or paragraph (2) to challenge the interim alternative educational setting or the manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in paragraph (1)(A)(ii) or paragraph (2), whichever occurs first, unless the parent and the State or local educational agency agree otherwise.

(B) *Current placement.* If a child is placed in an interim alternative educational setting pursuant to paragraph (1)(A)(ii) or paragraph (2) and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement, the child shall remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in subparagraph (C).

(C) *Expedited hearing.*

(i) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative educational setting) during the pendency of the due process proceedings, the local educational agency may request an expedited hearing.

(ii) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards set out in paragraph (2).

FEDERAL REGULATION: 34 CFR §§300.525, 300.526, and 300.528

§300.525 Parent appeal.

(a) *General.*

(1) If the child's parent disagrees with a determination that the child's behavior was not a manifestation of the child's disability or with any decision regarding placement §§300.520-300.528, the parent may request a hearing.
(2) The State or local educational agency shall arrange for an expedited hearing in any case described in paragraph (a)(1) of this section if a hearing is requested by a parent.

(b) *Review of decision.*

(1) In reviewing a decision with respect to the manifestation determination, the hearing officer shall determine whether the public agency has demonstrated that the child's behavior was not a manifestation of the child's disability consistent with the requirements of §300.523(d).
(2) In reviewing a decision under §300.520(a)(2) to place the child in an interim alternative educational setting, the hearing officer shall apply the standards in §300.521.

FEDERAL REGULATION: (Continued)

§300.526 Placement during appeals.

(a) *General.* If a parent requests a hearing or an appeal regarding a disciplinary action described in §300.520(a)(2) or 300.521 to challenge the interim alternative educational setting or the manifestation determination, the child must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for in §300.520(a)(2) or 300.521, whichever occurs first, unless the parent and the State agency or local educational agency agree otherwise.

(b) *Current placement.* If a child is placed in an interim alternative educational setting pursuant to §300.520(a)(2) or 300.521 and school personnel propose to change the child's placement after expiration of the interim alternative placement, during the pendency of any proceeding to challenge the proposed change in placement the child must remain in the current placement (the child's placement prior to the interim alternative educational setting), except as provided in paragraph (c) of this section.

(c) *Expedited hearing.*

(1) If school personnel maintain that it is dangerous for the child to be in the current placement (placement prior to removal to the interim alternative education setting) during the pendency of the due process proceedings, the LEA may request an expedited due process hearing.
(2) In determining whether the child may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in §300.521.
(3) A placement ordered pursuant to paragraph (c)(2) of this section may not be longer than 45 days.
(4) The procedure in paragraph (c) of this section may be repeated, as necessary.

§300.528 Expedited due process hearings.

(a) Expedited due process hearings under §§300.521-300.526 must—

(1) Meet the requirements of §300.509, except that a State may provide that the time periods identified in §§300.509(a)(3) and 300.509(b) for purposes of expedited due process hearings under §§300.521-300.526 are not less than two business days; and

(2) Be conducted by a due process hearing officer who satisfies the requirements of §300.508.

(b) (1) Each State shall establish a timeline for expedited due process hearings that results in a written decision being mailed to the parties within 45 days of the public agency's receipt of the request for the hearing, without exceptions or extensions.

(2) The timeline established under paragraph (b)(1) of this section must be the same for hearings requested by parents or public agencies.

(c) A state may establish different procedural rules for expedited hearings under §§300.521-300.526 than it has established for due process hearings under §300.507.

(d) The decisions on expedited due process hearings are appealable under a State's normal due process appeal procedures.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A parent may request an expedited hearing if he/she disagrees with: a. the determination that the child's behavior was not a manifestation of the child's disability; or b. any decision regarding placement as a result of a disciplinary action.	Written letter requesting hearing and Form PS-408	Superintendent or designee	
2. School personnel may request an expedited hearing if they maintain that the child is a danger to himself or others in the current placement.	Form PS-408	School personnel	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. If the parent requests an expedited hearing, school personnel must contact the Ohio Department of Education, Division of Special Education and follow items 4.a. and b. below.	Form PS-408	School district designee	Before the end of the following business day from the day the parent's request was received
4. If the school district initiates an expedited hearing, school personnel must			
a. call or fax the State consultant responsible for due process at the Ohio Department of Education, Division of Special Education, and immediately send a hard copy of the request to the Division of Special Education, 933 High Street, Worthington, Ohio 43085; and	Form PS-408		
b. contact the parent by phone or fax and send a hard copy.			Same as below
5. An impartial hearing officer will be appointed by the Ohio Department of Education, Division of Special Education, and the impartial hearing officer shall contact both parties.		ODE, Division of Special Education	Before the end of the next business day from the day the district informs the Division
6. The impartial hearing officer will issue a written decision and mail the decision to both parties.	Findings and decision of hearing officer	Hearing officer	Forty-five calendar days from the date of request (no extensions)
7. If a child is placed in an interim alternative educational setting for drugs, weapons, or dangerous behavior, the child remains (stays put) in the interim alternative placement.			Pending the decision of the hearing officer or until the expiration of the 45-day time period, whichever occurs first, unless the parent and the district agree otherwise
8. An appeal of the impartial hearing officer's decision may be made to the State Board of Education, in care of the Division of Special Education, in writing.		Superintendent/designee	10 calendar days after the notification of the hearing officer's written decision
9. The review shall be completed and a written decision issued by the state level review officer.		State level review officers	30 calendar days (no extensions)

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
10. Any party aggrieved by the final order of the State Level Review Officer may appeal the final order to the following courts:			
a. The common pleas court of the county of the child's school district of residence as provided by section 3323.05 of the Ohio Revised Code; or		Judge determines	Determined by common pleas court
b. The federal district court of competent jurisdiction.		Judge determines	Determined by federal district court

SECTION: Procedural Safeguards (Discipline)

TOPIC: Protections for Children Not Yet Eligible for Special Education and Related Services

FEDERAL STATUTE: 20 USC 1415(k)(8) **Protections for children not yet eligible for special education and related services.—**

(A) *In General.* A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in paragraph (1), may assert any of the protections provided for in this part if the local educational agency had knowledge (as determined in accordance with this paragraph) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(B) *Basis of knowledge.* A local educational agency shall be deemed to have knowledge that a child is a child with a disability if—

- (i) the parent of the child has expressed concern in writing (unless the parent is illiterate or has a disability that prevents compliance with the requirements contained in this clause) to personnel of the appropriate educational agency that the child is in need of special education and related services;
- (ii) the behavior or performance of the child demonstrates the need for such services;
- (iii) the parent of the child has requested an evaluation of the child pursuant to section 614; or
- (iv) the teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of such agency or to other personnel of the agency.

(C) *Conditions that apply if no basis of knowledge.*

(i) *In General.* If a local educational agency does not have knowledge that a child is a child with a disability (in accordance with subparagraph (B)) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with clause (ii).

(ii) *Limitations.* If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under paragraph (1) or (2), the evaluation shall be conducted in an expedited manner. If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, except that, pending the results of the evaluation, the child shall remain in the educational placement determined by school authorities.

FEDERAL REGULATION: 34 CFR §300.527 **Protections for children not yet eligible for special education and related services.**

(a) *General.* A child who has not been determined to be eligible for special education and related services under this part and who has engaged in behavior that violated any rule or code of conduct of the local educational agency, including any behavior described in §§ 300.520 or 300.521, may assert any of the protections provided for in this part if the LEA had knowledge (as determined in accordance with paragraph (b) of this section) that the child was a child with a disability before the behavior that precipitated the disciplinary action occurred.

(b) *Basis of knowledge.* An LEA must be deemed to have knowledge that a child is a child with a disability if—

1. The parent of the child has expressed concern in writing (or orally if the parent does not know how to write or has a disability that prevents a written statement) to personnel of the appropriate educational agency that the child is in need of special education and related services;
2. The behavior or performance of the child demonstrates the need for these services, in accordance with §300.7;
3. The parent of the child has requested an evaluation of the child pursuant to §§ 300.530-300.536; or
4. The teacher of the child, or other personnel of the local educational agency, has expressed concern about the behavior or performance of the child to the director of special education of the agency or to other personnel in accordance with the agency's established child find or special education referral system.

(c) *Exception.* A public agency would not be deemed to have knowledge under paragraph (b) of this section if, as a result of receiving the information specified in that paragraph, the agency—

FEDERAL REGULATION: (Continued)

(1) Either—

(i) Conducted an evaluation under §§300.530-300.536, and determined that the child was not a child with a disability under this part; or
(ii) Determined that an evaluation was not necessary; and

(2) Provided notice to the child's parents of its determination under paragraph (c)(1) of this section, consistent with §300.503.

(d) *Conditions that apply if no basis of knowledge.*

(1) *General.* If an LEA does not have knowledge that a child is a child with a disability (in accordance with paragraphs (b) and (c) of this section) prior to taking disciplinary measures against the child, the child may be subjected to the same disciplinary measures as measures applied to children without disabilities who engaged in comparable behaviors consistent with paragraph (d)(2) of this section.

(2) *Limitations.*

(i) If a request is made for an evaluation of a child during the time period in which the child is subjected to disciplinary measures under § 300.520 or 300.521, the evaluation must be conducted in an expedited manner.
(ii) Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.
(iii) If the child is determined to be a child with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, the agency shall provide special education and related services in accordance with the provisions of this part, including the requirements of §§300.520-300.529 and section 612(a)(1)(A) of the Act.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A child who has not been determined to be eligible for special education and related services and who has engaged in behavior violating any rule or code of conduct of the school district may assert any of the protections provided in this part if the school district had knowledge that the child was a child with a disability before the behavior that precipitated the disciplinary action.			
2. The school district is deemed to have knowledge that a child is a child with a disability if:			
a. The parent has expressed concern in writing or orally (if the parent does not know how to write), to appropriate personnel of the school district that the child is in need of special education and related services;	Documentation of parent referral		
b. The behavior or performance of the child demonstrates the need for these services (refer to Section 2: Child Identification, of this manual);			
c. The parent has requested an evaluation for determination of eligibility for special education services; or	Documentation of written parent request		
d. The teacher of the child or other personnel of the local educational agency has expressed concern about the behavior or performance of the child to the director of special education or other appropriate school personnel in accordance with the agency's child find or special education referral system (refer to Section 2: Child Identification, pages 4-10).	Forms CI-204, CI-205, CI-207❖, and CI-211		

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. A school district would not be deemed to have knowledge if the agency:	Referral documentation and Form MFE-501a-o		
a. conducted an evaluation and determined that the child was not a child with a disability; or			
b. determined that an evaluation was not necessary (see Section 2: Child Identification, pages 4 through 10 of this manual); and	Form CI-211		
c. provided written notice to the child's parents of its determination.	Forms CI-211 and PS-401		
4. If the school district does not have knowledge that a child is a child with a disability prior to taking disciplinary measures, the child may be subjected to the same disciplinary measures applied to children without disabilities.			
5. If a request for a multifactored evaluation for a suspected disability of the child is made during the time period in which the child is subject to disciplinary action:			
a. The evaluation must be conducted in an expedited manner;			
b. Until the evaluation is completed, the child remains in the educational placement determined by school authorities, which can include suspension and expulsion without educational services; and	Form PS-409❖	Superintendent or designee	Without undue delay
c. The school district shall provide special education and related services, if the child is determined to be a child with a disability.	Form IEP-607	Superintendent or designee	

❖**Denotes optional procedure/form**

SECTION: Procedural Safeguards (Discipline)

TOPIC: Referral to and Action by Law Enforcement and Judicial Authorities

FEDERAL STATUTE: 20 USC1415(k)(9) **Referral to and action by law enforcement and judicial authorities.**

(A) Nothing in this part shall be construed to prohibit an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(B) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

FEDERAL REGULATION: 34 CFR §300.529 **Referral to and action by law enforcement and judicial authorities.**

(a) Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b)(1) An agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom it reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Nothing in the Federal Statute or Federal Regulations prohibits school personnel from reporting a crime committed by a child with a disability to appropriate authorities. Nor does anything in either the Federal Statute or Federal Regulations prevent State law enforcement and judicial authorities from exercising their responsibility with regards to applying Federal and/or State law to a crime(s) committed by a child with a disability.			
2. If such a crime(s) is reported to appropriate authorities, copies of the special education and disciplinary records of the child with disabilities must be transmitted for consideration by appropriate authorities only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA), when there is a subpoena or court order, or when the parent gives permission.	Form CN-308	Agency reporting crime(s)	

WRITTEN NOTICE TO PARENTS

Date:________________

This is to notify you of the district's action regarding ____________________________'s educational program. (STUDENT'S NAME)

1. Description of action:

Check appropriate box(es):

AREA	Proposal To Initiate	Proposal To Change	Refusal To Initiate	Refusal To Change
1. Identification				
2. Evaluation				
3. Placement				
4. Provision of Free Appropriate Public Education (FAPE)				

2. For evaluation/reevaluation (only applicable if box is checked):

☐ The evaluation or reevaluation described in the attached evaluation plan requires your permission in order for it to be conducted. Please sign and return the permission form.

☐ The reevaluation described in the attached evaluation plan will be completed based on existing information. However, you have the right to request an assessment to determine whether your child continues to be a child with a disability.

3. Reason for action:____

____

____

4. Description of other options, if any, that were considered before taking this action and the reason for rejecting them:____

____

____

5. Description of evaluation procedures, test, record, or report used as the basis of this action (if applicable):____

6. Other factors that are relevant:____

7. Provision of procedural safeguards:

As a parent of a child with a suspected or identified disability, you have procedural safeguard protection under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997. You have been provided with a copy of Whose *IDEA* Is This? *A Resource Guide for Parents:* Parent Notice of Procedural Safeguards which explains your procedural safeguards. Please contact me if you have any questions about the process described above, your rights, or have other related concerns.

Name	Title
Address	Telephone
City, State, and Zip	

Enclosure: Whose *IDEA* Is This? *A Resource Guide for Parents*
PS-406 (Parent Notice of Procedural Safeguards)

PS-402

☐ Initial Evaluation

☐ Reevaluation (if additional assessment is to be conducted)

REQUEST FOR PARENT CONSENT FOR EVALUATION

Part I: To Grant Consent

I have received a copy of Whose *IDEA* Is This? *A Resource Guide for Parents* and I understand the information provided.

I HEREBY GIVE MY PERMISSION FOR______________________________ to receive an evaluation(s) by designated school personnel. I understand the evaluation information will be shared by teachers, principals, and other appropriate school personnel, and that the school district will forward educational records upon request to another school district or educational agency in which my child seeks or intends to enroll. I further understand that my granting of consent is voluntary on my part and I may revoke my consent at any time.

Signature of parent, legal guardian, custodian, or student (if 18 or older)	Relationship to Child	Date

Part II: To Refuse Consent

(Do Not complete Part II if you completed Part I)

I have received a copy of Whose *IDEA* Is This? *A Resource Guide for Parents* and I understand the information provided.

I DO NOT GIVE MY PERMISSION for a multifactored evaluation for ________________________.

Reasons: (It would be helpful to school personnel who are designing an educational program to meet your child's unique needs if you would share with us your reasons for not giving your permission for a multifactored evaluation.)

____

____

Signature of parent, legal guardian, custodian, or student (if 18 or older)	Relationship to Child	Date

Part III: (To be completed by school)

Information about the multifactored evaluation and Whose *IDEA* Is This? *A Resource Guide for Parents* were presented/sent by:

Signature of school district representative	Date(s)

The parents' native language is ________________. If not English, was the information provided in the native language or other mode of communication? ☐ Yes ☐ No

If no, explain:____________________________________

____

If the native language or other mode of communication is not a written language, attach documentation of the steps taken to ensure that the notice was explained and that the parent understands the content of the notice.

Copies: Student File

PS-403

REQUEST FOR INTERPRETER/TRANSLATOR

All communication, to the extent required by law, with parents of students referred for, or currently receiving, special education and related services should be conducted in the primary language or other mode of communication of the home. Submit completed request to:

Name

Address

Student's Name:

Parent's Name:

Address:
Number Street

City State Zip Code

The primary language or other mode of communication of the home is:

An interpreter/translator will be needed for the following:

☐ Presentation of parent notice of procedural safeguards and consent
☐ Development of individualized education program
☐ Review of the written individualized education program
☐ Review of student records (written)
☐ Hearing procedure
☐ Identification of a surrogate parent
☐ Other

An interpreter/translator is needed on the following date(s):

Name of Person Submitting Request

Signature of Person Submitting Request

Address Telephone

Date

Copies: Records Control Officer
Student File
Surrogate Parent
Requesting Party

PS-404

REQUEST FOR ASSIGNMENT OF A SURROGATE PARENT

Purpose

This form should be completed by any person who knows of a child who may need special education services, and who is a ward of the State, or whose parents or guardian are not known, or are not available.

Student's Name:______________________ Date of Birth:__________ Age:________

School:______________________________________ Grade:________

Current Address:______________________ Telephone:______________

With whom child is residing:______________________________

Telephone:______________ Relationship:______________________

Parent's district of residence:______________________________

Student's caring agency:______________________________

Agency's contact person:______________ Agency's telephone:______________

Name of person making request:______________________________

Position/title:______________ Employer/agency:______________________

Business address:______________________ Telephone:______________

Why has this request been made?______________________________

____

______________________________ ______________
Signature Date

APPOINTMENT OF A SURROGATE PARENT

Appointment of the surrogate parent should be reviewed annually.

Reason for the appointment of a surrogate parent:______________________________

____

Date of appointment: ______________________

Please be informed that ______________________ is appointed as surrogate parent for
(Name)

______________________, ______________. It is my understanding that this appointee has
(Student) (Date of Birth)

completed the necessary training, and is qualified to serve in this capacity, and should be involved in all aspects of the child's education in accordance with the district's special education policies and procedures.

____
Superintendent's or Designee's Signature

____
School District

____
Address City State Zip Code

PS-405

Copies: Student File
District of Residence File
District of Attendance File

(DISTRICT LETTER HEAD)

AUTHORITY TO APPOINT SURROGATE PARENT REQUEST BY THE DISTRICT OF RESIDENCE

_______________, Superintendent
_______________, School District (Where Student Is Residing)
_______________, Address

Dear _______________:

It is our understanding that _______________________ (student) is currently residing in _______________ (district name) and requires an appointment of a surrogate parent in accordance with Federal Regulation §300.515. The student would be best served if your district would appoint the surrogate parent due to ___________ ____ (reason, i.e., distance between districts).

Please appoint a surrogate parent for ________________________ (student) and provide us a copy of Form PS-406 for our records and notify _______________, at ____ (address) within two weeks.

Once completed, please forward copies of all correspondence and documents, including Form PS-405 to ________________________________ (name) at ____ (address).

Sincerely,

_______________________, Superintendent
District of Residence

PS-407◆

Copies: Records Control Officer
Student File
Parent
Building Principal

NOTIFICATION OF DISCIPLINARY ACTION (REMOVAL FROM SCHOOL)

Student's Name:______________________________ Date of Birth:__________

School:_________________________ Grade:____ Date of Notification:______

Dear__________________________:

This is to notify you of the disciplinary actions taken regarding your child which resulted in the removal from school for more than ten cumulative school days within the school year, and is a change in the placement of your child.

Description of the reason for disciplinary action:
☐ Code of Conduct Violation (other than IDEA drug or weapon offense)
☐ Drug/Weapon Violation (as defined in the IDEA)

____

____

Disciplinary Action Taken:

____

____

If it has not already done so, the district will

a. convene an IEP team to conduct a manifestation determination to review the relationship between your child's disability and the behavior subject to disciplinary action,
b. develop an assessment plan if a functional behavior assessment has not previously been completed, and
c. implement a behavioral intervention plan, if appropriate.

Enclosed is a copy of Whose *IDEA* Is This? *A Resource Guide for Parents:* Parent Notice of Procedural Safeguards which outlines the procedural safeguards for students with disabilities.

If you have questions regarding any of this information, please call____________________.

____
Superintendent's or Designee's Signature

Enc: Whose *IDEA* Is This? *A Resource Guide for Parents*
PS-406 (Parent Notice of Procedural Safeguards)

PS-408

Copies: Records Control Officer
Parent
Student File
Division of Special Education

REQUEST FOR AN EXPEDITED HEARING

Date:____________

Party requesting the hearing:______________________________

Name of student:______________________________

Name of parent(s):______________________________

Address:______________________________

____

School district of residence:______________________________

Building of attendance:______________________________

Description of problems or issues, including specific facts:

Proposed resolution to problems or issues:

The above information must be given by phone or faxed to the consultant responsible for due process at the Ohic Department of Education, Division of Special Education. The hard copy must be immediately mailed.

Copies: Student Cumulative File
EMIS Coordinator

PS-409❖ or
District-Developed Form

RECORD OF SUSPENSION/EXPULSION

Disability Category:___________

Student:_______________________________________ Gender: Male________ Female_______

Date of Birth:_____________________________ Race/Ethnicity:___________________

SCHOOL YEAR	DATE OF DISCIPLINE ACTION	# OF DAYS SUSPENDED/ EXPELLED	IF YES, IDENTIFY INTERIM ALTERNATIVE EDUCATIONAL SETTING (IAES) INDICATE YES____ OR NO_____	DESCRIBE ACT(S) PRECIPITATING REMOVAL(S) FOR DRUGS, WEAPONS, DANGEROUS BEHAVIOR

❖Denotes optional procedure/form

Copies: Student File
Principal
Parent

Manifestation Determination Worksheet

Student Name: ______________________ Date: __________

I. Nature of the Behavior Subject to Disciplinary Action

Describe the student's behavior that violated rule or code of conduct (in observable, measurable terms).

II. Nature of Disability

Describe the nature and severity of the student's disability (in observable, measurable terms).

III. Describe How the Disability Affects the Student's:
a. Academic Progress
b. Social Skills Development
c. Self-care, Domestic, and/or Community Skills
d. Receptive and Expressive Language

IV. Relevant Information

a. Evaluation/Diagnostic Results:

Date of last evaluation report:______
Evaluation current (less than 3 years) ☐ Yes ☐ No

Does existing evaluation/diagnostic results address current areas of concern?

☐ Yes ☐ No

b. Relevant Parent Information:

Sources of Information:

c. Observations of the Child:

Sources of Information:

d. IEP:

Date of last IEP:_______ Is IEP current? ☐ Yes ☐ No ☐ NA

e. Placement:

Describe current placement appropriate to meet student's needs.

V. Determination of the Relationship of the Behavior of Concern to the Student's Disability

1. In relationship to the behavior subject to disciplinary action
   - a. Is the child's IEP appropriate? ☐ Yes ☐ No
   - b. Is placement appropriate? ☐ Yes ☐ No
   - c. Were special education services provided, consistent with the child's IEP and placement? ☐ Yes ☐ No
   - d. Were supplementary aids and services provided, consistent with the child's IEP and placement? ☐ Yes ☐ No
   - e. Were behavior intervention strategies provided, consistent with the child's IEP and placement? ☐ Yes ☐ No
2. As a result of the disability
   - a. the data indicate that the student's ability to understand the impact and consequences of the behavior subject to disciplinary action

     ☐ was impaired ☐ was not impaired
   - b. the data indicate that the student's ability to control the behavior subject to disciplinary action

     ☐ was impaired ☐ was not impaired
3. The behavior is a manifestation of the child's disability, if the IEP team indicated
   - a. **No** on any item a. through e. of 1. above, OR
   - b. **Was impaired** in item a. or b. of 2. above.

Based upon the information considered, the IEP team determined that the behavior ☐ was ☐ was not a manifestation of the student's disability.

Signature:____________________ Signature:____________________

Signature:____________________ Signature:____________________

Signature:____________________ Signature:____________________

Signature:____________________ Signature:____________________

Signature:____________________ Signature____________________

SECTION 5: ASSESSMENT/MULTIFACTORED EVALUATION(MFE)

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SECTION 5: ASSESSMENT/MULTIFACTORED EVALUATION (MFE) (Continued)

FORMS		***TOPIC***
MFE-501a-o	**Evaluation Team Report (ETR)**	*In-School ID/All of Assessment/ Multifactored Evaluation IEP Team Responsibilities/IEP Sequential Process/IEP Content/IEP Sequential Process (Expanded)/IEP Special Factors:LEP/IEP Special Factors: Assistive Technology and Services/ Hearing Aids/IEP:Preschool Special Education to School-Age Special Education Programs (Reevaluation)/ Children in Other Districts or Agencies*
MFE-501a	**ETR Cover Page**	*ETR/ETR for Reevaluation*
MFE-501b	**Student Information**	*ETR for Reevaluation*
MFE-501c	**Preschool Planning Form: Initial Multifactored Evaluation (MFE)**	*In-School ID/Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/ETR Initial Multifactored Evaluation (MFE)*
MFE-501d	**School-Age Planning Form: Initial Multifactored Evaluation (MFE)**	*In-School ID/Overview:Evaluation and Reevaluation/Planning and Conducting the Initial Evaluation/ETR*
MFE-501e	**Preschool Planning Form: Reevaluation**	*Overview:Evaluation and Reevaluation/ Planning and Conducting the Reevaluation/ETR for Reevaluations/ IEP:Preschool Special Education to School-Age Special Education (Reevaluation)*
MFE-501f	**School-Age Planning Form: Reevaluation**	*Overview:Evaluation and Reevaluation/ Planning and Conducting the Reevaluation/ETR for Reevaluations/ IEP:Preschool Special Education to School-Age Special Education (Reevaluation)*
MFE-501g	**Evaluation Form**	*IBA-MFE/ETR/ETR for Reevaluations*
MFE-501h	**Documentation of Intervention-Based Assessment**	*IBA-MFE/ETR/ETR for Reevaluations*
MFE-501i	**Supplemental Information for Team's Determination of SLD Eligibility**	*ETR/ETR for Reevaluations*
MFE-501j	**Supplemental Information: Emotional Disturbance (ED)**	*ETR/ETR for Reevaluations*
MFE-501k	**Eye Report for Children with Visual Problems**	*ETR*
MFE-501l	**Summary of Observation**	*ETR/ETR for Reevaluations*

SECTION 5: ASSESSMENT/MULTIFACTORED EVALUATION (MFE) (Continued)

FORMS		***TOPIC***
MFE-501m	**Team Summary and Interpretation of the Multifactored Evaluation**	*IBA-MFE/ETR/ETR for Reevaluations*
MFE-501n	**Determination of Eligibility**	*ETR/ETR for Reevaluations*
MFE-501o	**Statement of Disagreement**	*ETR/ETR for Reevaluations*
MFE-502❖	**Medical Authorization for Physical Therapy Evaluation/Services to Meet Educational Needs**	
MFE-503❖	**Request for Medical Diagnostic Evaluation**	
MFE-504❖	**Medical Diagnostic Evaluation Form**	
MFE-505❖	**Physical Examination Letter**	
MFE-506	**Evaluation Team Report** **Parent Letter**	*Planning and Conducting the Initial Evaluation/Planning and Conducting the Reevaluation*

RELATED APPENDICES

Appendix G: School-Age Multifactored Evaluation Requirements

Appendix H: Preschool Multifactored Evaluation Requirements

ADDITIONAL RESOURCES

- **Ohio Department of Education. (1983). *Ohio guidelines for the identification of children with specific learning disabilities (including differentiated referral procedures).* Columbus, OH: Author.**
- **Ohio Department of Education. (1990). *The early childhood identification process: A manual for screening and assessment.* Columbus, OH: Author.**

❖Denotes optional procedure/form

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Overview: Evaluation and Reevaluation

FEDERAL STATUTE: 20 USC 1414 **Evaluations, eligibility determinations, individualized education programs, and educational placements.**

(a) Evaluations and Reevaluations.—

(1) *Initial Evaluations.*—

(A) *In General.*– A State educational agency, other State agency, or local educational agency shall conduct a full and individual initial evaluation, in accordance with this paragraph and subsection (b), before [illegible] initial provision of special education and related services to a child with a disability under this part.

(B) *Procedures.*– Such initial evaluation shall consist of procedures—

(i) to determine whether a child is a child with a disability, as defined in section 602(3); and

(ii) to determine the educational needs of such child.

(C) *Parental Consent.*—

(i) *In General.*– The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

(ii) *Refusal.*– If the parents of such child refuse consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

(2) *Reevaluations.*– A local educational agency shall ensure that a reevaluation of each child with a disability is conducted—

(A) if conditions warrant a reevaluation or if the child's parent or teacher requests a reevaluation, but at least once every 3 years; and

(B) in accordance with subsections (b) and (c).

FEDERAL REGULATION: 34 CFR §§300.320 and 300.321

§300.320 Initial evaluations.

(a) Each public agency shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services under Part B of the Act—

(1) To determine if the child is a "child with a disability" under §300.7; and
(2) To determine the educational needs of the child.

(b) In implementing the requirements of paragraph (a) of this section, the public agency shall ensure that—

(1) The evaluation is conducted in accordance with the procedures describe in §§300.530-300.535; and
(2) The results of the evaluation are used by the child's IEP team in meeting the requirements of §§300.340-300.350.

§300.321 Reevaluations.

Each public agency shall ensure that—

(a) A reevaluation of each child with a disability is conducted in accordance with §300.536; and

(b) The results of any reevaluations are addressed by the child's IEP team under §§300.340-300.349 in reviewing and, as appropriate, revising the child's IEP.

STATE RULE:

Multifactored evaluation activities.

Each school district shall develop and implement written procedures which require that a multifactored evaluation of any child suspected of having a disability be conducted by a multidisciplinary group of qualified professionals. The procedures shall provide for the designation of an evaluation team and a team chairperson for each child to be evaluated. The team chairperson will be responsible for preparing a written report which summarizes and interprets the results of the multifactored evaluation for the IEP conference.

Each school district shall develop and implement written procedures which require descriptive evaluation data in all areas related to the suspected disability including, where appropriate, health, vision, hearing, social and emotional status, adaptive behavior, vocational/occupational needs, general intelligence, academic performance, communicative status, and motor abilities.

The evaluation shall include current data required by each special education program's eligibility rules. This evaluation must have been conducted no more than one year prior to the IEP conference.

Each school district shall develop and implement written procedures to assure that a reevaluation of handicapped children is conducted at least once every three years, or more frequently if conditions warrant, or if the child's parent or teacher requests a reevaluation.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Prior to the provision of special education and related services, the school district shall conduct, at no cost to the parents, a full and individual initial multifactored evaluation.		Superintendent or designee	
2. The school district shall follow the differentiated referral procedures (refer to Section 2: Child Identification, of this manual) as the first step in responding to educational concerns about the child.	Forms CI-204, CI-205, CI-207✣, CI-211, and PS-402	Building principal	
3. If, upon completion of the differentiated referral activities, it is suspected that the child may have a disability, the school district—		Building principal	
a. obtains informed parent consent (refer to Section 4: Procedural Safeguards, of this manual) to begin a multifactored evaluation;			
b. designates evaluation team members, including the parents, and assigns an evaluation team chairperson;			
c. develops an evaluation plan which details areas of assessment, methods, and staff responsibilities; and	Forms MFE-501c or MFE-501d		
d. provides the parent with a copy of the evaluation plan as a part of the notification materials given to parents.			

✣ **Denotes optional procedure/form**

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PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. Upon receipt of parental permission, the evaluation team completes the evaluation activities described in the evaluation plan (refer to Planning and Conducting the Initial Evaluation, page 12 of this section).	Form MFE-501 a-o	Evaluation chairperson	Ninety days from date of parent consent
5. When evaluation activities have been completed, a group of qualified professionals and the parents of the child determine if the child has a disability.	Form MFE-501 a-o	Evaluation chairperson	Within 90 days of parent consent and prior to the IEP meeting
a. The reasons for this determination are documented in the evaluation team report.	Form MFE-501 a-o	Evaluation team and chairperson	
b. The child may not be determined to have a disability if the determinant factor is: (1) lack of instruction in reading or math; (2) limited English proficiency; or (3) for preschool or specific learning disabilities, environmental, cultural, or economic disadvantage.			
6. The evaluation team chairperson shall ensure that: a. A written report (refer to Evaluation Team Report, pages 22-30 of this section) is prepared; b. A copy of the report, including documentation of determination of eligibility for special education and related services, is provided to the parents; and c. A copy of the results of the evaluation is available for use in developing the IEP.	Form MFE-501 a-o	Evaluation team and chairperson	Within 90 days of parent consent and prior to the IEP meeting
7. A reevaluation is conducted when conditions warrant a reevaluation; such as, when a preschool child is transitioning into a school-age program, or if the child's parent or teacher request a reevaluation, but at least once every three years, in order to determine a student's continued eligibility and need for special education services (refer to Planning and Conducting the Reevaluation, pages 59-62 and Evaluation Team Report for Reevaluations, pages 63-69 of this section).	Form MFE-501 a-o		Within 3 years of previous evaluation, or as determined by the IEP team for evaluations conducted at parent or teacher request outside of the three-year cycle
a. Reevaluations are planned by a group, which includes members of the student's IEP team and other qualified professionals, as appropriate.			
(1) A reevaluation plan is developed and serves to document proposed reevaluation activities.	Form MFE-501e or MFE-501f		
(2) Parental consent for reevaluations is obtained if the reevaluation plan requires new assessment data.	Forms PS-401, PS-402, and PS-406 and Form MFE-501e or MFE-501f		
(3) If the reevaluation plan does not require new testing or assessment, the parents are provided with notification about the planned reevaluation and information about their right to request additional testing or assessment.	Forms PS-401 and PS-406 and Form MFE-501e or MFE-501f		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. Upon completion of the reevaluation, the team chairperson ensures that: (1) A written report (refer to Evaluation Team Report for Reevaluations, pages 63-69 of this section) is prepared; (2) A copy of the report, including documentation of determination of eligibility for special education and related services, is provided to the parents; and (3) A copy of the report is available to the IEP team, including the parents, prior to the IEP conference.	Form MFE-501 a-o		Within 3 years of previous evaluation, or as determined by the IEP team for evaluations conducted at parent or teacher request outside of the three-year cycle

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Methods

FEDERAL STATUTE: 20 USC 1414 **Evaluations, eligibility determinations, individualized education programs, and educational placements.**

(b) Evaluation Procedures.—

(3) *Additional Requirements.*– Each local educational agency shall ensure that—

(A) tests and other evaluation materials used to assess a child under this section–
- (i) are selected and administered so as not to be discriminatory on a racial or cultural basis; and
- (ii) are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

(B) any standardized tests that are given to the child–
- (i) have been validated for the specific purpose for which they are used;
- (ii) are administered by trained and knowledgeable personnel; and
- (iii) are administered in accordance with any instructions provided by the producer of such tests;

(C) the child is assessed in all areas of suspected disability; and

(D) assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child are provided.

FEDERAL REGULATION: 34 CFR §300.532(a)-(f) **Evaluation procedures.**

Each public agency shall ensure, at a minimum, that the following requirements are met:

(a) (1) Tests and other evaluation materials used to assess a child under Part B of the Act—
- (i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and
- (ii) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

(2) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

(b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining—

(1) Whether the child is a child with a disability under §300.7; and
(2) The content of the child's IEP.

(c) (1) Any standardized tests that are given to a child—
- (i) Have been validated for the specific purpose for which they are used; and
- (ii) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(2) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

(d) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(e) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(f) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

STATE RULE:

Multifactored evaluation activities.

Each school district shall develop and implement written procedures to insure that any evaluation conducted with children who are suspected of having a disability include:

a. An evaluation designed to insure that children are not labeled as having a disability because of inappropriate selection, administration, or interpretation of evaluation materials;
b. The use of evaluation instruments which:
   (i) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so;
   (ii) Have been validated for the specific purpose for which they are used; and
   (iii) Are administered by trained personnel in conformance with the instructions provided by their producer.

c. Tests are selected and administered so as to best insure that when a test is administered to a child with impaired sensory, manual or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills except where those skills are factors which the test purports to measure.

Eligibility (preschool services).

(1) The use of all of the following assessment procedures to confirm a documented deficit as required in paragraphs (E)(1) to (E)(3) of this rule (3301-31-02), and the use of any of the following procedures to assess the areas outlined in paragraph (C)(2) of this rule:
   (a) Structured interview with persons knowledgeable about the child's functioning including the parent or primary caregiver;
   (b) Structured observations over multiple settings and activities;
   (c) Standardized norm-referenced tests (where published); and
   (d) Criterion-referenced/curriculum-based assessment.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. In conducting an evaluation, the school district shall: a. Use a variety of assessment tools and strategies to gather relevant functional and developmental information about the child, including information provided by the parents; b. Not use any single procedure as the sole criterion for determining whether a child is a child with a disability or for determining an appropriate educational program for the child; c. Use technically sound instruments that assess the relative contribution of cognitive and behavior factors, in addition to physical and developmental factors; and d. Ensure that, at a minimum— (1) Test results and other evaluation information used in the assessment of the child, and upon which an eligibility determination is made, are no more than one year old; and	Form MFE-501 a-o	Evaluation team members	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(2) Test and other sources of information used in the assessment of the child: (a) Are selected and administered so as not to be discriminatory on the basis of race or culture; (b) Provide for and are administered in the child's native language, or other mode of communication, unless it is clearly not feasible to do so; (c) Have been validated for the specific purpose for which they are used; (d) Are administered by trained and qualified personnel in accordance with any instructions provided by the producer of the tests; (e) Include those assessments tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient; (f) Are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure); and (g) Provide relevant information that directly assists persons in determining the educational needs of the child.			
2. If an assessment is not conducted under the standardized conditions specified by the test manufacturer, information about the extent to which the assessment varied from standardized conditions, such as the qualifications of the person administering the test, or the method of test administration, should be included in the evaluation team report along with a discussion of the validity of the test results and inferences.	Form MFE-501 a-o	Evaluation team, chairperson	
3. Additional methods may be required for the evaluation of specific disability conditions (refer to Eligibility Criteria, pages 31-58 of this section).	Form MFE-501 a-o	Evaluation team chairperson	After parental consent for evaluation, and prior to the IEP meeting

FEDERAL STATUTE: 20 USC 1414 **Evaluations, eligibility determinations, individualized education programs, and educational placements.**

(b) Evaluation Procedures.—

(2) *Conduct of Evaluation.*– In conducting the evaluation, the local educational agency shall—

(A) use a variety of assessment tools and strategies to gather relevant functional and developmental information, including information provided by the parent, that may assist in determining whether the child is a child with a disability and the content of the child's individualized education program, including information related to enabling the child to be involved in and progress in the general curriculum or, for preschool children, to participate in appropriate activities;

(B) not use any single procedure as the sole criterion for determining whether a child is a child with a disability or determining an appropriate educational program for the child; and

(C) use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

FEDERAL REGULATION: 34 CFR §300.532 (g)-(j) **Evaluation procedures.**

(g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(h) In evaluating each child with a disability under §§300.531-300.536, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(i) The public agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(j) The public agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

STATE RULE:

Multifactored evaluation activities.

Each school district shall develop and implement written procedures which require descriptive evaluation data in all areas related to the suspected disability including, where appropriate, health, vision, hearing, social and emotional status, adaptive behavior, vocational/occupational needs, general intelligence, academic performance, communicative status, and motor abilities.

The evaluation shall include current data required by each special education program's eligibility rules. This evaluation must have been conducted no more than one year prior to the IEP conference.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The members of the evaluation team shall conduct an evaluation that is sufficiently comprehensive to identify all of the child's special education and related service needs, whether or not these needs are commonly linked to the disability category under consideration. This should include relevant functional and developmental information in any or all of the areas (a.-q.) below: a. Health and Nutrition A physical examination by a doctor of medicine or doctor of osteopathy for those students whose disability may be primarily the result of congenital or acquired physical disability; b. Vision Required vision screenings, and for students who are suspected of having a vision impairment, a visual examination conducted by an eye care specialist. For children who are blind or visually impaired, an assessment must be conducted to determine the need for Braille instruction, as well as methods for conducting this instruction; c. Hearing Required hearing screenings and for students who are deaf or hard of hearing, an audiological examination completed by a certified or licensed audiologist; d. Social and Emotional Status An individual assessment of social and emotional status, and for students who are suspected of having an Emotional Disturbance, an assessment of behavioral functioning or personality. In cases where a student's behavior impedes his or her learning or that of others, the evaluation should incorporate a functional assessment of behavior; e. Cognitive Functioning Informal assessment of cognitive functioning, including strengths and weaknesses, but where required according to both preschool and school-age rules, must include a standardized, norm-referenced measure of general intelligence;	Form MFE-501 a-o	Evaluation team chairperson	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
f. Pre-academic or Academic Performance Informal classroom-based assessments, including consideration of the opportunities the student has had to learn both reading and mathematics. School-age rules require standardized norm-referenced assessment for the initial determination of a specific learning disability;			
g. Communicative Status - All Students Observations, screening, or formal assessment activities;			
h. Communicative Status – Deaf or Hard of Hearing Students Assessment of language and communication needs, including opportunities for direct instruction in the student's language and communication mode;			
i. Fine and Gross Motor Abilities Informal screening activities, formal assessment, and for preschool children, assessment of sensorimotor abilities;			
j. Adaptive Behavior A norm-referenced assessment for the initial determination of mental retardation. For preschool assessments, norm-referenced measures are required to document a deficit in adaptive behavior or cognitive functioning;			
k. Family, Health, Educational, and Developmental History			
l. Vocational/Occupational/Transition Needs Aptitudes, interests, preferences, and employability;			
m. Assistive Technology Formal and informal assessments to assist in the selection, acquisition, or use of an assistive technology device(s);			
n. English Proficiency An assessment of language needs in the case of a student with limited English proficiency;			
o. State and District-wide Assessments An evaluation of those issues necessary to make decisions about a student's need for accommodations in large scale testing, including what alternate methods might be needed to assess student progress;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
p. Specialized Instructional Needs Other areas, including those useful in helping to develop strategies that facilitate access and success in the general curriculum, or for preschool children, success in appropriate activities; and			
q. Social, Cultural, and Economic Factors An assessment of how a student's social, cultural, or economic background may be related to learning or behavior concerns.			
2. For reevaluations, the areas of assessment will be determined by a group, which includes the parents, the other members of the IEP team, and other qualified professionals, as appropriate, and may or may not require the completion of any new test or assessment activity.			
3. For initial evaluations, the evaluation team shall conduct assessments in those areas prescribed by rules.			

FEDERAL STATUTE: 20 USC 1412(a)(9) and 1414(c)(1)

1412(a)(9) Transition from Part C to preschool programs.

Children participating in early intervention programs assisted under Part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

1414(c)(1) Additional requirements for evaluation and reevaluations.

(1) *Review of Existing Evaluation Data.*– As part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP Team described in subsection (d)(1)(B) and other qualified professionals, as appropriate, shall–
  (A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers observation; and
  (B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine–
    (i) whether the child has a particular category of disability, as described in section 602(3), or, in case of a reevaluation of a child, whether the child continues to have such a disability;
    (ii) the present levels of performance and educational needs of the child;
    (iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
    (iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

FEDERAL REGULATION: 34 CFR §§300.533, 300.534, and 300.535

§300.533 Determination of needed evaluation data.

(a) *Review of existing evaluation data.* As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the Act, a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall—
  (1) Review existing evaluation data on the child, including—
    (i) Evaluations and information provided by the parents of the child;
    (ii) Current classroom-based assessments and observations; and
    (iii) Observations by teachers and related services providers; and

  (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—
    (i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;
    (ii) The present levels of performance and educational needs of the child;
    (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
    (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

(b) *Conduct of review.* The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) *Need for additional data.* The public agency shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.

(d) *Requirements if additional data are not needed.*
  (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents—
    (i) Of that determination and the reasons for it; and
    (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

  (2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

FEDERAL REGULATION: (Continued)

§300.534 Determination of eligibility.

(a) Upon completing the administration of tests and other evaluation materials—

- (1) A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in §300.7; and
- (2) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(b) A child may not be determined to be eligible under this part if—

- (1) The determinant factor for that eligibility determination is—
  - (i) Lack of instruction in reading or math; or
  - (ii) Limited English proficiency; and
- (2) The child does not otherwise meet the eligibility criteria under §300.7(a).

(c) (1) A public agency must evaluate a child with a disability in accordance with §§300.532 and 300.533 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (c)(1) of this section is not required before the termination of a student's eligibility under Part B of the Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

§300.535 Procedures for determining eligibility and placement.

(a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.7, and the educational needs of the child, each public agency shall—

- (1) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
- (2) Ensure that information obtained from all of these sources is documented and carefully considered.

(b) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.340-300.350.

STATE RULE: Eligibility (preschool services).

Each child shall be determined eligible when one of the following applies:

- (1) There is a documented deficit in one or more of the following areas:
  - (a) Communication skills (form, content, and use of language),
  - (b) Hearing abilities,
  - (c) Motor functioning,
  - (d) Social-emotional/behavioral functioning, or
  - (e) Vision abilities; or
- (2) There is a documented deficit in cognitive ability as determined through a measure of cognitive functioning administered by a licensed psychologist or certified school psychologist, and also a documented deficit in—
  - (a) One or more of the areas listed in paragraph (D)(1) of this rule (3301-31-02), or
  - (b) A documented deficit in adaptive behavior; or
- (3) There is a documented deficit in adaptive behavior and a documented deficit in one or more of the areas listed in paragraph (D)(1) of this rule.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. When it has been determined through a differentiated referral process that a disability is suspected, the school district shall: a. Designate the members of the multidisciplinary team by title, and invite the parents of the child to actively participate in evaluation activities by becoming members of this team;	Form CI-204 or CI-205, and Forms CI-211, CI-207❖, and CI-210❖	Team chairperson	Upon completion of Form CI-204 or CI-205, and Form CI-211

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. Designate the chairperson of the multidisciplinary team; and			
c. Ensure that, at a minimum, the following qualified professionals are included on the multidisciplinary team—			
(1) The child's teacher, or if the child is below school age, an individual who is most knowledgeable about the child's development and functioning;			
(2) If appropriate, an individual who is knowledgeable about the educational issues which confront children from minority racial or diverse cultural backgrounds;			
(3) At least one person qualified to conduct individual diagnostic assessment of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher; and			
(4) One or more individuals who have knowledge of: (a) the suspected disability; (b) typical child development and functioning; and (c) intervention design and general education curriculum.	Form MFE-501 a-o		
Note: It is understood that one individual may possess the necessary skills needed to serve multiple roles, but that no one individual can conduct the entire evaluation.			
2. In planning the evaluation, the team shall review existing information, including:	Form MFE-501c or MFE-501d	Team chairperson	Upon completion of Form CI-204 or CI-205, and prior to obtaining parent consent
a. information and evaluations provided by the parents;			
b. current classroom-based assessments, interventions, and observations; and	Forms CI-204 or CI-205, and CI-207❖		
c. observations by teachers and related services providers.			
3. Based upon the review of existing data, including information provided by the parents, the team shall determine what additional relevant functional and developmental information, if any, will be needed to determine:	Form MFE-501c or MFE-501d	Team chairperson	Upon completion of Form CI-204 or CI-205, and prior to obtaining parent consent
a. whether the child has a particular category of disability;			
b. the present levels of performance and educational needs of the child;			
c. recommended strategies for improving instruction; and			

❖ Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. whether the child needs special education and related services, and if so, what services may be needed to enable the child to—			
(1) meet the measurable annual goals to be set out in the IEP; and			
(2) to participate, as appropriate, in the general curriculum or, for the preschool child, in appropriate activities.			
4. Evaluations shall be conducted in all areas related to the suspected disability (refer to Evaluation Areas, pages 8-11 of this section).	Form MFE-501 a-o	Evaluation team chairperson	Upon receipt of parent consent
5. The evaluation for the initial identification of each disability condition shall be conducted in all areas related to the suspected disability (refer to Evaluation Areas, pages 8-11 of this section).	Form MFE-501 a-o	Evaluation team chairperson	
6. Information addressed in items 1.-5. above shall be used to develop an evaluation plan, which will be included as a part of the notification materials provided to parents when obtaining consent for the multifactored evaluation.	Form MFE-501c or MFE-501d		
7. Upon receipt of parent consent, the members of the evaluation team will conduct the planned assessment and document results on the Team Member Evaluation Forms.	Form PS-402		
8. Upon completion of the multifactored evaluation activities, and as a part of making a determination of disability, the school district shall convene a meeting of the evaluation team to:	Form MFE-501 a-o		
a. review evaluation data to determine whether or not there is sufficient information to address the issues detailed in item 3.a.-d. on pages 14-15 of this section; and			
b. determine whether or not the child is eligible for special education and related services.			
9. The initial evaluation shall be documented (refer to Evaluation Team Report, pages 22-30 of this section).			
10. The school district will provide parents with a copy of the evaluation team report.	Form MFE-501 a-o	Evaluation team chairperson	Upon completion of evaluation activities
	Form MFE-506	Evaluation team chairperson	Upon completion of multifactored evaluation

To be used by school districts with approval from ODE

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: IBA/MFE— Assessment/Multifactored Evaluation (MFE)

FEDERAL REGULATION: Refer to Section 5: Assessment/Multifactored Evaluation (MFE)

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Intervention-based assessment/multifactored evaluation (IBA/MFE) is a process being developed by the Ohio Department of Education (ODE) as an aspect of continuous improvement in the area of child identification and evaluation. Emphasis is placed upon direct assessment of a child's learning needs through the application of systematic intervention strategies. Interventions are developed by building-level teams, including parents. Improved outcomes for children stem from early and constructive parental involvement, services specific to the problem and where the problem occurs, assessments which support teaching and learning, and higher expectations as a result of shared goal setting. Currently, the model for IBA/MFE is under development with training and technical assistance provided through the network of special education regional resource centers (SERRC). The following working definition characterizes intended central features of intervention-based assessment. *Intervention-based assessment (IBA) is a collaborative, problem-solving process, which focuses upon a specific concern that affects the learner's progress within a learning environment. Individuals involved in this ongoing process—including the learner, the learner's family and educators—mutually define and analyze the concern(s), develop measurable goals, and design and implement interventions while monitoring the effectiveness of these through the use of ongoing performance data.* 2. Prior to implementing IBA/MFE for the identification and evaluation of children who are suspected of having a disability, a school district or a school building shall be provided with training and technical assistance. Such training shall be: a. Consistent with that prescribed by the ODE and shall include— (1) Developing the skills needed by building level teams to implement a collaborative problem solving model; (2) Defining educational concerns in measurable, observable terms;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(3) Generating hypothesis, including analysis of the environmental components, and establishing goals for improvement;			
(4) Selecting interventions and developing an intervention plan;			
(5) Collecting data for progress monitoring and determination of intervention effectiveness;			
(6) Analyzing data and making educational decisions;			
(7) Using intervention-based assessment results in the determination of a disability and documenting eligibility in the team report; and			
(8) Integrating the problem solving process into team functioning.			
b. Described in the school district's strategic plans for improved service delivery and professional development.			
3. To initiate an IBA/MFE for any child suspected of having a disability, a written referral shall be generated from the differentiated referral procedures (refer to Section 2: Child Identification of this manual).	Form CI-204 or CI-205		
4. This referral should be made by an individual who has direct knowledge of the child's progress in the general curriculum, or for the preschool child, someone who has direct knowledge about the child. Identification procedures shall:	Form CI-204 or CI-205	Administrator or designee	When a disability is suspected
a. Take into account the nature and intensity of any interventions that the child has received to date;			
b. Establish what additional intervention activities or assessments will be needed to complete the IBA/MFE (parent notification materials must include a description of these evaluation activities, the methods to be employed, and staff members assigned);			
c. Provide written notice to the child's parents of the intent to conduct an IBA/MFE (refer to Section 4: Procedural Safeguards of this manual) using notification materials specific to the IBA/MFE process; and	Forms PS-401 and PS-406		
d. Obtain parents' written consent before initiating any activities intended for use in determining the child's need for special education and related services (refer to Section 4: Procedural Safeguards of this manual).	Form PS-402	Administrator or designee	Upon completion of Differentiated Referral Process (DRP), prior to IBA/MFE

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Note: Parental consent for IBA/MFE is voluntary. At any time, parents may revoke their consent for any evaluation and/or request standard multifactored evaluation procedures.			
5. The IBA/MFE shall be conducted by a team comprised of the following people: a. The child's parent(s); b. The child's teacher(s), if the child is of school-age; c. If appropriate, an individual who is knowledgeable about the educational issues which confront children from minority racial or diverse cultural backgrounds; d. The individual(s) most knowledgeable about the child's development, if the child is below school age; e. An educator(s), including a teacher(s) or other specialist(s), with knowledge in the area of the suspected disability; f. At least one person licensed to conduct individual diagnostic examinations of children, such as a school psychologist, a speech-language pathologist, or a remedial reading teacher; and g. The student, if appropriate.	Form MFE-501 a-o	Team members and team chairperson	Following parent consent, and prior to the IEP meeting
6. The IBA/MFE team is responsible for completing an evaluation by: a. Conducting observations of the child while he or she is engaged in activities associated with the identified problems during the times and in the locations these problems are noted to occur. Observations should be conducted— (1) By at least one team member other than the student's teacher in an environment appropriate for a child of that age; or (2) In the regular classroom setting by at least one team member other than the child's teacher for a student suspected of having a specific learning disability; or (3) Through multiple observations by the child's current teacher and at least one other team member for a student suspected of having an emotional disturbance; b. Assessing the effects of the child's environment(s) on his or her learning; c. Conducting a structured interview with those who are knowledgeable about the child's functioning. This may include the parent(s) or primary care giver;	Form MFE-501 a-o		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. Systemically implementing planned interventions, monitoring progress, and identifying, as a result of the intervention process, those types of instructional strategies and techniques that are successful in helping the student reach his or her educational goals;			
e. Considering all aspects of the child's development and functioning, and assessing those areas that relate to the suspected disability and the design of effective interventions;			
f. Assuring that multiple procedures are used, that they represent various information sources, and that needed assessments are selected and administered (refer to Methods, pages 5-7 of this section);			
g. Considering data from— (1) The parent(s), (2) Any interventions provided to the child prior to referral, (3) Interventions conducted as a part of the IBA/MFE process; and (4) Other assessments, including: (a) Criterion-referenced assessments, (b) Curriculum-based assessments, (c) Standardized, norm-referenced tests, (d) Structured interviews, and (e) Structured observations; and			
h. Analyzing the results and concluding whether or not the child meets the following eligibility criteria— (1) Interventions necessary to help the child attain goals and/or objectives, or to maintain performance, and to access and participate in the general curriculum, as appropriate, are of such a unique and extraordinary nature and intensity, that they may be considered to be specially designed instruction; (2) The child's characteristics are consistent with one or more of the disability conditions; (3) Without special education and related services, the child's condition has an adverse affect on his or her educational performance; and (4) The child has not been determined to have a disability due to lack of instruction in reading or mathematics, or due to lack of proficiency in the English language.			
7. The IBA/MFE team shall develop a written team report that contains:			
a. A summary of the information obtained during the differentiated referral process;	Form CI-204 or CI-205, and Form CI-207❖	Evaluation team chairperson	Following parental consent, and prior to the IEP meeting

❖ Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. A summary of the intervention-based assessment activities. This summary is recorded on the IBA report section and should include—	Form MFE-501h		
(1) In Section One, Problem Definition, a clear description of the problem or problems that were identified as the focus for intervention. Problems should be described in objective and measurable terms;		Evaluation team chairperson	
(2) In Section Two, Problem Analysis and Intervention Planning, a description and analysis of the concerns that were addressed, including issues in the home and school environment, performance levels, and baseline data on the critical needs identified for intervention;			
(3) In Section Three, Summary of Interventions, a description of the goals established for the learner, the interventions provided during the IBA/MFE, and the progress monitoring process;			
(4) Also in Section Three, a discussion of the results of the interventions that were implemented and an interpretation of appended data;			
(5) In Section Four, Characteristics of Successful Interventions, a listing of the interventions that have been successful with the child and which should be considered when developing the IEP; and			
(6) Also in Section Four, conclusions of the team that types of successful interventions needed by the student constitute the level of specially designed instruction provided by special education and related service.			
c. A summary of any other assessments.	Form MFE-501g		
(1) These summaries shall include—			
(a) The name and title of each team member conducting the IBA/MFE;			
(b) The names of other individuals who contributed information about the student;			
(c) The date of each assessment or activity;			
(d) Assessment results and interpretation; and			
(e) The instructional implications of the assessment results.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(2) Options for reporting these summaries include—			
(a) Integrating these summaries into the narrative discussions contained under item 3 (Baseline Levels) in the IBA record Section Two—Problem Analysis and Intervention Planning, or	Form MFE-501h	Evaluation team chairperson	Following parent consent, and prior to the IEP meeting
(b) Summarizing these assessments on the team member evaluation forms (refer to Evaluation Team Report, pages 24-25 of this section), or	Form MFE-501g	Team members	Prior to IEP meeting
(c) Summarizing these assessments in the "Present Levels of Performance" section of the team summary; and	Form MFE-501m	Team chairperson	Prior to IEP meeting
d The IBA/MFE team report shall conclude with an integrated summary and interpretation and documentation of eligibility determination (refer to Evaluation Team Report, pages 22-30 of this section).	Form MFE-501m		

FEDERAL STATUTE: 20 USC 1414(b) **Determination of eligibility and special rule for eligibility determination.**

(4) *Determination of Eligibility.*– Upon completion of administration of tests and other evaluation materials—

- (A) The determination of whether the child is a child with a disability as defined in section 602(3) shall be made by a team of qualified professionals and the parent of the child in accordance with paragraph (5); and
- (B) A copy of the evaluation report and the documentation of determination of eligibility will be given to the parent.

(5) *Special Rule for Eligibility Determination.*– In making a determination of eligibility under paragraph (4)(A), a child shall not be determined to be a child with a disability if the determinant factor for such a determination is lack of instruction in reading or math or limited English proficiency.

FEDERAL REGULATION: 34 CFR §§300.534 and 300.535

§300.534 Determination of eligibility.

(a) Upon completing the administration of tests and other evaluation materials—

- (1) A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in §300.7; and
- (2) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(b) A child may not be determined to be eligible under this part if—

- (1) The determinant factor for that eligibility determination is—
  - (i) Lack of instruction in reading or math; or
  - (ii) Limited English proficiency; and
- (2) The child does not otherwise meet the eligibility criteria under §300.7(a).

(c) (1) A public agency must evaluate a child with a disability in accordance with §§300.532 and 300.533 before determining that the child is no longer a child with a disability.
(2) The evaluation described in paragraph (c)(1) of this section is not required before the termination of a student's eligibility under Part B of the Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

§300.535 Procedures for determining eligibility and placement.

(a) In interpreting evaluation data for the purpose of determining if a child is a child with a disability under §300.7, and the educational needs of the child, each public agency shall—

- (1) Draw upon information from a variety of sources, including aptitude and achievement tests, parent input, teacher recommendations, physical condition, social or cultural background, and adaptive behavior; and
- (2) Ensure that information obtained from all of these sources is documented and carefully considered.

(b) If a determination is made that a child has a disability and needs special education and related services, an IEP must be developed for the child in accordance with §§300.340-300.350.

STATE RULE:

Evaluation team report for preschool.

The multifactored evaluation team report shall include the following components:

(1) Documentation of assessment dates, procedures, and results as required in paragraph (C) of this rule (3301-31-02);
(2) Educationally relevant medical information, if any;
(3) Documentation of the existence of the documented deficit(s) as required in paragraphs (D)(1) to (D) (3) and (E)(1) to (E)(3) of this rule including the four assessment procedures required in paragraphs (C)(1)(a) to (C)(1)(d) of this rule;
(4) Description of observed behavior in the area(s) of deficit as compared to typical behavior of same age peers;
(5) Conclusion that there is an adverse effect upon normal development and functioning;
(6) Conclusion that the disability is not solely the result of environmental, cultural, or economic factors; and
(7) Team members' signatures indicating agreement that the results of the multifactored evaluation indicate that a disability exists, or attached statement(s) if there is disagreement.

STATE RULE: (Continued)

Program for severe behavior handicapped children. (Team report for children who have an emotional disturbance).

Eligibility

A written report shall be developed by the evaluation team for each child evaluated for severe behavior handicaps. Each team member shall certify in writing whether or not the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement of:

(1) Whether or not the child has a severe behavior handicap;
(2) The basis for making the determination;
(3) The relevant behavior noted during the informal behavior observations of the child including:
    (a) A clear description of the behavior patterns of concern;
    (b) Measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time limit; and
    (c) An indication of the intensity of the behavior pattern, i.e., how extreme the behavior is relative to the peer group;
(4) The relationship of the observations to the norm-referenced tests;
(5) How the conditions adversely affect educational performance; and
(6) Conclusion that the behavior is not a result of a social maladjustment.

Program for specific learning disabled children. (Team report for children who have a specific learning disability).

A written report shall be developed by the evaluation team for each child evaluated for a specific learning disability. Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement of:

(1) Whether or not the child has a specific learning disability;
(2) The basis for making the determination;
(3) The relevant behavior noted during the observation of the child;
(4) The relationship of that behavior to the child's academic functioning;
(5) The educationally relevant medical findings, if any;
(6) Whether or not there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and
(7) The determination of the team concerning the effects of environmental, cultural or economic disadvantage.

In the event that the evaluation team determines that a child has a specific learning disability, even though the application of the formula for computing the discrepancy score indicates that the child does not have a discrepancy score of two or greater than two between achievement and ability, the team judgment must prevail. In this event, the team must document in the written report the following additional information:

(1) Data obtained in the evaluation of the seven areas of educational functioning listed in paragraph (G)(1)(b)(i) of this rule (3301-51-04);
(2) Recommendations and information obtained from the child's regular classroom teachers and parent;
(3) Evidence of the child's performance in the regular classroom including work samples and group test scores;
(4) Evidence of possible deficiencies in more than one of the seven areas of educational functioning;
(5) Additional supportive data besides standardized test data; and
(6) Consideration of the child's age, particularly in the case of young children.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The multifactored evaluation team report (ETR) for an initial evaluation shall include:	Form MFE-501 a-o	Team chairperson and team members	Following parent consent, and prior to the IEP meeting
a. The report cover;	Form MFE-501a		
b. The Request for Assistance Forms;	Form CI-204 or CI-205		
c. If appropriate, documentation of interventions, which includes information detailed in Appendix B;	Form CI-207❖ or locally developed form		
d. For preschool evaluations, information about interventions;	Form CI-205		
e. The Evaluation Plan;	Form MFE-501c or MFE-501d		
f. The Evaluation Form;	Form MFE-501g		
g. The record of the Intervention-Based Assessment for approved teams conducting IBA/MFE;	Form MFE-501h		
h. Supplemental documents for SLD evaluations;	Form MFE-501i		
i. Supplemental documents for emotional disturbance (ED) evaluations;	Form MFE-501j		
j. Other supplemental reports, (i.e., vision report, observations);	Forms MFE-501k and MFE-501l		
k. An integrated Evaluation Summary; and	Form MFE-501m		
l. Documentation of Eligibility Determination.	Form MFE-501n		
2. The ETR shall provide documentation of activities conducted during the evaluation process including:			
a. Evaluation summaries filed by each team member that describe, integrate, and interpret the child's strengths and weaknesses in those areas of assessment specified in the evaluation plan. Each "Evaluation Form" shall contain the following: (1) Identifying information about the child, including name, date of birth, and age; (2) Areas of functioning assessed by the evaluator; (3) A summary of evaluation activities and methods (check boxes), including a description of how selected activities addressed referral concerns; (4) Sources of data, informants, and procedures used, including names and titles of persons conducting each assessment; (5) Date(s) of assessment(s);	Form MFE-501g		

❖ Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(6) Methods of assessment, including names of tests;			
(7) Results and scores, if available;			
(8) Instructional implications of assessment data;			
(9) Clear instructional implications of each area of assessment in a designated subsection specifically entitled, 'Instructional Implications'; and			
(10) Signature (dated) of the evaluator testifying to the accuracy of the information reported;			
b. Supplemental information and specialized reports, including:			
(1) For children suspected of having specific learning disabilities (SLD), additional information necessary to document whether or not the child has a specific learning disability, including:	Form MFE-501i		
(a) A description of how the relevant behavior noted during the observation(s) of the child relates to academic functioning;			
(b) A description of educationally relevant medical findings, if any;			
(c) A statement indicating whether or not the child is able to achieve in a manner commensurate with his or her age and ability levels;			
(d) Team determination of whether or not a severe discrepancy exists between achievement and ability in one or more of the seven areas of academic functioning; and if so, whether or not this discrepancy is correctable without special education and related services;			
(e) A summary of the assessment results and other data used by the team to determine the presence of a specific learning disability, including:			
(i) Evaluation data and a comparison of test results, including discrepancy scores; (ii) Classroom-based assessments, work samples, and the results of interventions; (iii) Group tests scores, if available; and (iv) Additional data and other information, including consideration of the child's age;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(f) A summary of the considerations given by the team to factors associated with environmental, cultural, and economic disadvantage; and			
(g) Documentation that the team has ruled out visual, hearing, or motor impairment, mental retardation or emotional disturbance as the primary reason for the severe discrepancy and the learning disability.			
(2) For children suspected of having an Emotional Disturbance (ED), the team report must include:			
(a) A summary and description of the relevant behavior(s) noted during the observations of the student, including:	Form MFE-501l	Team members	Prior to completion of MFE
(i) A clear description of the behavior patterns of concern, including the environments in which the problem behaviors occur;			
(ii) A measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time period; and			
(iii) An indication of the intensity of the behavior pattern (i.e., how extreme the behavior pattern is relative to the peer group);			
(b) A description of the relationship of the observations to the norm-referenced tests of personality and/or measures of behavior,	Form MFE-501j	Team members and team chairperson	Prior to completion of MFE
(c) A description of how the child has exhibited one or more of the following conditions over a long period of time, and to a marked degree, and how the presence of these conditions adversely affects educational performance including:		Team members and team chairperson	Prior to completion of MFE
(i) An inability to learn, which cannot be explained by intellectual, sensory, or health factors;			
(ii) An inability to build or maintain satisfactory interpersonal relationships with peers or teachers;			
(iii) Inappropriate types of behavior or feelings under normal circumstances;			
(iv) A general pervasive mood of unhappiness or depression; or			
(v) A tendency to develop physical symptoms or fears associated with personal or school problems; and			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(d) A statement indicating whether or not the behavior is a result of social maladjustment.	Form MFE-501j	Team members and team chairperson	Upon completion of MFE
c. An evaluation summary section, "Summary and Interpretation of Multifactored Evaluation," that integrates and interprets the information provided by each team member, including information provided by the parents. This summary shall include:	Form MFE-501m		
(1) Summary of Current Performance			
(a) A description of how the child's performance is similar to typically developing children. For school-age children, the description of educational performance should address participation in instructional activities and progress in the general curriculum. For the preschool child, this description should address participation in appropriate activities;			
(b) A description of how the child's performance differs from that of typically developing children and how these differences, both strengths and weaknesses, impact participation in instructional activities and educational performance, including progress in the general curriculum, or, for preschool children, participation in appropriate activities;			
(c) An explanation and interpretation of assessment results, including present levels of performance and strengths and weaknesses, and if not reported elsewhere, educationally relevant medical findings, if any:			
(d) For preschool evaluations—			
(i) A summary of the information obtained from application of the four required assessment procedures (structured interview; structured observation; standardized, norm-referenced assessments; and criterion/curriculum-referenced assessments) in documenting areas of deficit;			
(ii) A summary of assessment results in each of the domains specified in the preschool rules; and			
(iii) The team's conclusions about the impact of environmental, cultural and economic disadvantage;			
(e) Description of the child's previous instruction in reading and math;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(f) A review of the child's competencies in the English language; and			
(g) A summary of interventions that have been provided, including the results of these interventions.			
(2) Description of Educational Needs			
(a) A description of what is keeping the child from participating in instructional activities and making progress in the general curriculum, or, for preschool children, from participating in appropriate activities;			
(b) A description of prioritized needs of the child, which are related to his or her ability to access instruction and progress in the general curriculum, or, for preschool children, participate in appropriate activities. This description should indicate the level or severity of the child's needs;			
(c) Baseline data, characterizing level of skill or performance in each of the areas of critical need that have been identified. This data should be available to the IEP team for use when establishing goals and objectives;			
(d) A discussion of the following special considerations for the development of the IEP—			
(i) The need for strategies and supports to address behavior;			
(ii) For children with limited English proficiency, consideration of language and communication needs;			
(iii) For all children, consideration of communication needs;			
(iv) For children who are blind or visually impaired, considerations for selection of Braille as an instructional methodology and recommendations on the use of Braille instruction;			
(v) For children who are deaf or hard of hearing, considerations of language and communication mode;			
(vi) Consideration of needs for assistive technology services and devices; and			
(vii) Consideration of needs in the area of physical education;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(e) A discussion of the types of supports, aids, services, and accommodations that may help the child— (i) To be educated and participate with other children with disabilities and nondisabled children; (ii) To advance appropriately toward attaining long-term goals; (iii) To be involved in and progress in the general curriculum, or, for preschool children, to participate in appropriate activities; and (iv) To participate in extra curricular activities; (f) A discussion of possible or likely measurable annual goals, including benchmarks or short-term objectives: (g) A description of the adverse impact the child's weaknesses or areas of need have on his or her ability to access and progress in the general curriculum, or, for the preschool child, the adverse affect the deficit areas have on normal development and functioning, and participation in appropriate activities; (h) A summary of other relevant information; and (i) A summary of why the child may need special education services, or for reevaluations, continues to need special education services. (3) Implications for Instruction and Progress Monitoring **Note:** This information should be used by the IEP team in developing the IEP. (a) A description of what strategies and supports may be needed to improve performance, including, when appropriate, progress in the general curriculum, or, for preschool children, participation in appropriate activities; (b) A description of the interventions and instructional strategies, including behavior management techniques, if appropriate, that should be considered by the IEP team in developing the individualized education program; (c) A discussion of possible or likely measurable annual goals, including benchmarks or short-term objectives;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(d) A description of methods that may be employed to measure child progress including— (i) Progress in the general curriculum, or, for preschool children, participation and progress in appropriate activities; (ii) Progress toward IEP goals; and (iii) The need for accommodations or modifications in State and district-wide assessments;			
d. Determination of eligibility including:	Form MFE-501n		
(1) Assurance that the child or youth has not been incorrectly determined to have a disability due to lack of instruction in reading or math;			
(2) Assurance that the child or youth has not been incorrectly determined to have a disability because of limited English proficiency;			
(3) Documentation that the child has been determined to have a disability, and if so, which disability. For preschool evaluations, this section should also record the area(s) of documented deficit;			
(4) The basis the team used in making this determination, including a description of how the child either meets or fails to meet the definition of the disability condition for which the evaluation was conducted;			
(5) A statement that the disability condition presents an adverse affect on the child's educational performance. This statement should be based upon information contained in the evaluation summary;			
(6) A listing of those individuals who participated in making the decision about eligibility;			
(7) Signatures and an indication of agreement or disagreement with the team determination are required from all team members for SLD, preschool, ED, and IBA/MFE evaluations. For other evaluations, signatures and an indication of agreement or disagreement are required from those individuals participating in the determination of eligibility; and			
(8) A statement of disagreement must be filed by any team member(s) who is in disagreement.	Form MFE-501o		Within two weeks of the evaluation team meeting

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Early Childhood Services

STATE RULE:

A preschool child with a disability is a child who

(1) Is at least three years of age but not of compulsory school-age; and

(2) Has a disability as demonstrated by a documented deficit in one or more areas of development, which has an adverse effect upon normal development and functioning.

Documented deficit means an area of development or functioning that has been determined to be deficient based on data obtained through structured interview, structured observation, norm-referenced, and criterion-referenced curriculum-based assessments.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Differentiated referral procedures shall be implemented to determine whether a referred child is in need of non-special education intervention, or a multifactored evaluation to determine the existence of a disability.	Forms CI-205, CI-207❖, CI-211, and MFE-501a-o	Superintendent or child identification system coordinator	
2. A preschool child with a disability is a child who:			
a. Is at least three years of age, but not of compulsory school age;		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. Has received an assessment in all of the following areas: adaptive behavior, background, cognitive ability, communication, hearing, preacademic skills, sensorimotor functioning, social-emotional/behavioral functioning and vision. These assessments may be completed using any of the following four (4) methods: structured interview; structured observation; standardized, norm-referenced testing; or criterion-referenced/curriculum-based assessment. In addition, the following specialized assessments should be obtained (at no cost to the parent), as appropriate: a physical examination for determining eligibility if the disability may be the result of a congenital or acquired physical disability, a vision examination by an eye care specialist where the disability is primarily the result of a vision impairment, or an audiological examination in cases where the disability is primarily the result of a hearing impairment; and			
c. Has a disability as demonstrated by a documented deficit in one or more areas of development, which has an adverse effect upon normal development and functioning.			

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. A documented deficit may be determined to exist in one or more of the following areas: a. Communication skills (form, content, and use of language) b. Hearing abilities c. Motor functioning d. Social-emotional/behavioral functioning e. Vision abilities			
4. A documented deficit may be determined to exist in cognitive ability when, based upon a measure of cognitive functioning administered by a qualified psychologist, this deficit occurs in conjunction with: a. One or more of the areas listed in item 3. above; or b. A documented deficit in adaptive behavior.			
5. A documented deficit may be determined to exist in adaptive behavior if it occurs in conjunction with a documented deficit listed in item 3. or 4. above.			
6. Except in the areas of hearing and vision, a documented deficit shall be determined by: a. A score of two standard deviations below the mean in one of the areas listed in item 3. above or scores of one and one-half standard deviations below the mean in two or more areas listed in items 3., 4., or 5. above, and b. Data obtained through structured interview, structured observation, and criterion-referenced/curriculum-based assessment that confirms the reliability of standard scores and the existence of an adverse effect on normal development or functioning.			
7. Except in the areas of hearing and vision, deficits must be documented by determining that the learner evidences a significant discrepancy between chronological age and current level of functioning. This determination must be supported by data obtained through structured interview, structured observation, and other assessment measures that must include norm-and/or criterion-referenced assessments.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
8. In the area of hearing, a deficit must be determined in accordance with the definition of "hearing impairment."			
9. In the area of vision, a deficit must be determined in accordance with the definition of "visual impairment, including blindness."			
10. Preschool children with disabilities who are five years old on or before the date established by State rule may be served in a school-age special education program.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
11. The required reevaluation will be conducted in accordance with procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must be sufficiently comprehensive to address all of the child's special education and related services needs.	Form MFE-501 a-o		

Related Appendices:

Appendix H: Preschool Multifactored Evaluation Requirements

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Autism

FEDERAL REGULATION: 34 CFR §300.7(c)(1) **Autism.**

(1)(i) *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance, as defined in paragraph (b)(4) of this section.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team shall determine if the child meets the definition of autism as stated above.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. The reevaluation shall be conducted in accordance with the procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must be sufficiently comprehensive to address all of the student's special education and related services needs.	Form MFE-501 a-o		

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SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Deaf-blindness

FEDERAL REGULATION: 34 CFR §300.7(c)(2) **Deaf-blindness.**

Deaf-blindness means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team shall determine if the child meets the definition of deaf-blindness by referring to the definitions of "deafness" as stated above and "visual impairment" as stated on page 57 of this section.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. The required reevaluation shall be conducted in accordance with the procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must be sufficiently comprehensive to identify all of the student's special education and related services needs.	Form MFE-501 a-o		

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Deafness and Hearing Impairment

FEDERAL REGULATION: 34 CFR §300.7(c)(3) and (5)

§300.7(c)(3) Deafness.

Deafness means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

§300.7(c)(5) Hearing Impairment.

Hearing impairment means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having a hearing impairment.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. A child who meets the definition of deaf or hearing impairment as defined above and as determined through the following procedures shall be eligible for special education and related services. a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy; (2) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (3) Audiological status as determined by an audiological evaluation completed by a certified or licensed audiologist; (4) Academic performance; (5) Vision, hearing, and motor abilities; (6) Communicative status; and (7) Social and emotional status.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. Each child shall exhibit: (1) An average pure tone hearing loss of fifty decibels or greater, according to the American National Standards Institute (ANSI, 1969), for the frequencies 500, 1,000, and 2,000 Hertz in the better ear;		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(2) An average pure tone hearing loss of 25 decibels or greater (ANSI) for the frequencies 500, 1,000 and 2,000 Hertz in the better ear, which has an adverse effect upon his or her educational performance related to documented evidence of—		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
(a) A more severe hearing loss during the developmental years than is currently measured;			
(b) A history of chronic medical problems that have resulted in fluctuating hearing, presently or in the past; or			
(c) A delay in diagnosis, provision of amplification, and/or initiation of special programming; or			
(3) A hearing loss in excess of 25 decibels (ANSI) for the frequencies 1,000 Hertz through 8,000 Hertz in the better ear, resulting in such poor auditory discrimination that it has an adverse effect upon his or her educational performance.			
c. Medical consultation shall be encouraged on a continuing basis, especially when school personnel feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.		School personnel and parents	
3. The required reevaluation shall be conducted in accordance with procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address the areas listed under item 2.a. on page 36.	Form MFE-501 a-o	Evaluation team chair	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Emotional Disturbance (ED)

FEDERAL REGULATION: 34 CFR §300.7(c)(4) **Emotional disturbance.**

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

- (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.
- (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.
- (C) Inappropriate types of behavior or feelings under normal circumstances.
- (D) A general pervasive mood of unhappiness or depression.
- (E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having a serious emotional disturbance.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. A child who meets the definition of serious emotional disturbance as defined above and as determined through the following procedures shall be eligible for special education and related services.			
a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy; (2) Vision, hearing, and motor abilities; (3) Communicative status; (4) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (5) Academic performance; (6) Background information including educational, family, and medical history; (7) Informal behavior observation by the child's current teacher and at least one other team member; and (8) Behavior or personality measure.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. Medical consultation shall be encouraged on a continuing basis, especially when school personnel feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.		School personnel and parent	
c. The evaluation team shall develop a written report for each child evaluated for serious emotional disturbance. Each team member shall certify in writing whether or not the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. The report must include a statement indicating: (1) Whether or not the child has a serious emotional disturbance; (2) The basis for making the determination; (3) The relevant behavior noted during informal behavioral observations of the child, including: (a) A clear description of the behavior patterns of concern; (b) Measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time limit; and (c) An indication of the intensity of the behavior pattern (i.e., how extreme the behavior is relative to the peer group); (4) The relationship of the observations to the norm-referenced tests; (5) How the conditions adversely affect educational performance; and (6) A conclusion that the behavior is not a result of a social maladjustment.	Form MFE-501 a-o	Evaluation team chair and team members	After parental consent for evaluation, and prior to the IEP meeting
3. The required reevaluation shall be conducted in accordance with procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address those areas listed under item 2.a. and 2.c. above.	Form MFE-501 a-o	Evaluation team chair and team members	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Mental Retardation (Developmental Handicap)

FEDERAL REGULATION: 34 CFR §300.7(c)(6) **Mental retardation.**

Mental retardation means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having mental retardation.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. A child who meets the definition of mental retardation as stated above and as determined through the following procedures shall be eligible for special education and related services.	Form MFE-501 a-o		
a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (2) Academic performance; (3) Vision, hearing, and motor abilities; (4) Communicative status; and (5) Adaptive behavior.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. In addition to the requirements for eligibility listed above, personnel shall also draw upon information from a variety of sources, including teacher recommendations, physical condition, and social or cultural background.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
c. Each child shall exhibit deficits in academic performance.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. Each child shall exhibit deficits in adaptive behavior that adversely affect the child's educational performance and independent daily living skills. Evidence of deficits in a minimum of two areas of adaptive behavior must be documented through the use of individually administered standardized instruments which have been validated for the specific purpose of measuring adaptive behavior.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
e. Medical consultation shall be encouraged especially when school personnel feel that there has been a change in a child's behavior or educational functioning, or when new symptoms are detected.		School personnel and parent	
3. The required reevaluation shall follow procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address the areas listed under item 2.a. above.	Form MFE-501 a-o	Evaluation team chair	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher
Note: *Rules for the Education of Handicapped Children* apply when determining eligibility. Currently, the Ohio Department of Education is reviewing the eligibility criteria for mental retardation (DH), as it relates to the child having a measured intelligence quotient of 80 or below, as indicated in the rules, for determining general intelligence.			

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Multiple Disabilities

FEDERAL REGULATION: 34 CFR §300.7(c)(7) **Multiple disabilities.**

Multiple disabilities means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having multiple disabilities. 2. A child who meets the definition of multiple disabilities as stated above and as determined through the following procedures shall be eligible for special education and related services.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy; (2) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (3) Academic performance; (4) Vision, hearing, and motor abilities; (5) Communicative status; (6) Adaptive behavior; and (7) Social and emotional status.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. Each child shall exhibit: (1) A combination of two or more disabilities as defined in Section 5: Assessment/Multifactored Evaluation (MFE) of this manual, definitions for deafness, deaf-blindness, mental retardation, hearing impairment, orthopedic and/or other health impairment, emotional disturbance, speech or language impairment, visual impairment, and moderate, severe, or profound deficits in communication or adaptive behavior; or (2) A moderate, severe, or profound developmental disability with moderate, severe, or profound deficits in socialization, communication, or adaptive behavior.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Medical consultation shall be encouraged on a continuing basis, especially when school personnel feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.		School personnel and parents	
3. The required reevaluation shall follow procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address the areas listed under item 2.a. above.	Form MFE-501 a-o	Evaluation team chair	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

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SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Orthopedic Impairment

FEDERAL REGULATION: 34 CFR §300.7(c)(8) **Orthopedic Impairment.**

Orthopedic impairment means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having an orthopedic impairment or other health impairment. 2. A child who meets the definition of orthopedic impairment or other health impairment as defined above and as determined through the following procedures shall be eligible for special education and related services.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy; (2) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (3) Academic performance; (4) Vision, hearing, and motor abilities; (5) Communicative status; and (6) Social and emotional status.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. Each child shall exhibit a congenital or acquired physical disability that adversely affects educational performance.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
c. Medical consultation shall be encouraged on a continuing basis, especially when school personnel feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. The required reevaluation shall be conducted in accordance with the procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address the areas listed under item 2.a. above.	Form MFE-501 a-o	Evaluation team chair	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Other Health Impairment

FEDERAL REGULATION: 34 CFR §300.7(c)(9) **Other health impairment.**

Other health impairment means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes , epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

(ii) Adversely affects a child's educational performance.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having an orthopedic impairment or other health impairment.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. A child who meets the definition of orthopedic impairment or other health impairment as defined above and as determined through the following procedures shall be eligible for special education and related services.			
a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy; (2) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (3) Academic performance; (4) Vision, hearing, and motor abilities; (5) Communicative status; and (6) Social and emotional status.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. Each child shall exhibit a congenital or acquired physical disability that adversely affects educational performance.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
c. Medical consultation shall be encouraged on a continuing basis, especially when school personnel feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. The required reevaluation shall be conducted in accordance with the procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address the areas listed under item 2.a. above.	Form MFE-501 a-o	Evaluation team chair	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements 241

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Specific Learning Disability

FEDERAL REGULATION: 34 CFR §§300.7(c)(10), 300.541, and 300.542

§300.7(c)(10) Specific learning disability.

(i) *General.* The term means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

(ii) *Disorders not included.* The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

§300.541 Criteria for determining the existence of a specific learning disability.

(a) A team may determine that a child has a specific learning disability if—

(1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a)(2) of this section, if provided with learning experiences appropriate for the child's age and ability levels; and

(2) The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

(i) Oral expression.
(ii) Listening comprehension.
(iii) Written expression.
(iv) Basic reading skill.
(v) Reading comprehension.
(vi) Mathematics calculation.
(vii) Mathematics reasoning.

(b) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of—

(1) A visual, hearing, or motor impairment;
(2) Mental retardation;
(3) Emotional disturbance; or
(4) Environmental, cultural or economic disadvantage.

§300.542 Observation.

(a) At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

(b) In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A child shall be eligible for special education and related services for children with specific learning disabilities when: a. The child's characteristics meet the following definition for specific learning disability: "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia; b. The child's educational performance demonstrates a severe discrepancy between achievement and ability that adversely effects educational performance; c. Achievement is not commensurate with his or her age and ability levels in one or more of the seven areas listed in items 2.b. and 2.c. below, when there is evidence that the child has been provided learning experiences appropriate for his or her age and ability levels; and d. The child's severe discrepancy between achievement and ability is not primarily the result of— (1) Vision, hearing, or motor disability; (2) Mental retardation; (3) Emotional disturbance; or (4) Environmental, cultural, or economic disadvantage.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: a. General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; b. Academic performance as measured through the use of standardized tests designed for individual administration that must include evaluation in the areas of— (1) Basic reading skills; (2) Reading comprehension; (3) Mathematics calculation; and (4) Mathematics reasoning;	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Communicative status, which must include assessments in the areas of— (1) Oral expression; (2) Listening comprehension; and (3) Written expression;		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
d. Vision, hearing, and motor abilities;			
e. An observation in the regular classroom setting by at least one evaluation team member other than the child's regular teacher. In the case of a child of less than school-age or one who is out of school, a team member shall observe the child in an environment appropriate for a child of that age; and			
f. Medical consultation is encouraged especially when school personnel feel that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.			
3. The team shall consider the following additional information and provide documentation in the team report. In the event that a discrepancy score of two or greater is not obtained through application of the SLD discrepancy formula, additional information may be considered, based upon the judgment of the team, and must be documented in the evaluation team report. This information must include:			
a. Data obtained in the evaluation of the seven areas of educational functioning listed in item 2. above;			
b. Recommendations and information obtained from the child's regular classroom teachers and parent;			
c. Evidence of the child's performance in the regular classroom, including work samples and group test scores;			
d. Evidence of possible deficiencies in more than one of the seven areas of educational functioning;			
e. Additional supportive data besides standardized test data; and			
f. Consideration of the child's age, particularly in the case of young children.			
4. The required reevaluation shall be conducted in accordance with procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address those areas listed under item 2.a.-f. above.	Form MFE-501 a-o		

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

Additional Resources:

Cuyahoga Special Education Regional Resource Center. (January 1982). *LD Discrepancy Formula: A Handbook.*

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: SLD Team Membership

FEDERAL REGULATION: 34 CFR §300.540 **Additional team members.**

The determination of whether a child suspected of having a specific learning disability is a child with a disability as defined in §300.7, must be made by the child's parents and a team of qualified professionals which must include—

(a) (1) The child's regular teacher; or

(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

(3) For a child of less than school age, an individual qualified by the SEA to teach a child of his or her age; and

(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. In evaluating a child suspected of having a specific learning disability, the school district shall include on the multidisciplinary evaluation team: a. The parent of the child; b. The child's regular teacher, or (1) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or (2) For a child of less than school-age, an individual qualified by the school district to teach a child of his or her age; and 2. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

Additional Resources:

Ohio Department of Education. (1983). *Ohio guidelines for the identification of children with specific learning disabilities (including differentiated referral procedures).* Columbus, OH: Author.

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: SLD Team Report

FEDERAL REGULATION: 34 CFR §300.543 **Written report.**

(a) For a child suspected of having a specific learning disability, the documentation of the team's determination of eligibility, as required by §300.534(a)(2), must include a statement of—

(1) Whether the child has a specific learning disability;
(2) The basis for making the determination;
(3) The relevant behavior noted during the observation of the child;
(4) The relationship of that behavior to the child's academic functioning;
(5) The educationally relevant medical findings, if any;
(6) Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services; and
(7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(b) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team shall develop a written report for each child evaluated for a specific learning disability. 2. Each evaluation team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusion. 3. The evaluation team report must include a statement of: a. Whether or not the child has a specific learning disability; b. The basis for making the determination; c. The relevant behavior noted during the observation of the child; d. The relationship of that behavior to the child's academic functioning; e. The educationally relevant medical findings, if any; f. Whether or not there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; g. The determination of the team concerning the effects of environmental, cultural, or economic disadvantage;	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
h. Data obtained in the evaluation of the seven areas of educational functioning listed in items 2.b. and 2.c. on pages 49-50 of this section;			
i. Recommendations and information obtained from the child's regular classroom teachers and parent;			
j. Evidence of the child's performance in the regular classroom, including work samples and group test scores;			
k. Evidence of possible deficiencies in more than one of the seven areas of educational functioning;			
l. Additional supportive data besides standardized test data; and			
m. Consideration of the child's age, particularly in the case of young children.			

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Speech or Language Impairment

FEDERAL REGULATION: 34 CFR §300.7(c)(11) **Speech or language impairment.**

Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for students suspected of having a speech or language impairment.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. A child who meets the definition of speech or language impairment as defined above and as determined through the following procedures shall be eligible for special education and related services: a. Each child has a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Communicative status; (2) Hearing; and (3) Educational functioning. b. The child exhibits one or more of the following disorders, which has an adverse effect upon his or her educational performance: (1) Language impairment – a child is considered to have a language impairment when a significant deviation exits between developmental norms and the child's performance in receptive and/or expressive oral language encompassing the areas of morphology, syntax, semantics, and pragmatics, with or without auditory processing difficulties. (2) Articulation impairment – a child is considered to have an articulation impairment when his or her speech contains consistent misarticulations, additions, substitutions, distortions, or omissions of one or more phonemes. The results of a norm-referenced standardized prognostic evaluation instrument must be considered for a child below eight years of age prior to determining eligibility for services. (3) Fluency impairment – a child is considered to have a fluency impairment when the flow of speech is interrupted by repetitions or prolongations of sound, syllable, word, or articulatory posture, and the disruptions evoke negative reactions from the speaker and/or listener.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(4) Voice impairment–a child is considered to have a voice impairment when he or she exhibits difficulties in the area of pitch, quality, and/or loudness not appropriate to the child's age or sex.			
c. Medical consultation shall be encouraged especially when school personnel believe that there has been a change in the child's behavior or educational functioning, or when new symptoms have been detected.			
3. The required reevaluation shall be conducted in accordance with procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address those areas listed under item 2.a. above.	Form MFE-501 a-o		Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Traumatic Brain Injury

FEDERAL REGULATION: 34 CFR §300.7(c)(12) **Traumatic brain injury**.

Traumatic brain injury means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team shall determine if the child meets the definition of traumatic brain injury as defined above.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. The required reevaluation shall be conducted in accordance with procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must be sufficiently comprehensive to identify all of the student's special education and related services needs.	Form MFE-501 a-o		

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SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Eligibility Criteria: Visual Impairment

FEDERAL REGULATION: 34 CFR 300.7(c)(13) **Visual impairment including blindness.**

Visual impairment including blindness means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team chairperson shall ensure that all areas are assessed for children suspected of having a visual impairment.	Form MFE-501 a-o	Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
2. A child who meets the definition of visual impairment as defined above and as determined through the following procedures shall be eligible for special education and related services:			
a. Each child shall have a multifactored evaluation for initial placement that includes, but is not necessarily limited to, evaluations in the following areas: (1) Physical examination completed by a licensed doctor of medicine or doctor of osteopathy; (2) General intelligence as determined through a measure of cognitive functioning administered by a qualified psychologist using a test designed for individual administration; (3) Eye condition as determined by an eye care specialist; (4) Academic performance; (5) Hearing and motor abilities; and (6) Social and emotional status.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
b. Each child shall exhibit— (1) A visual impairment, not primarily perceptual in nature, resulting in a measured visual acuity of 20/70 or poorer in the better eye with correction; or (2) A physical eye condition that affects visual functioning to the extent that special education placement, materials, and/or services are required in an educational setting.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. The eye examination report should provide information regarding— (1) Monocular and binocular corrected and uncorrected visual acuity for near and distance; (2) Complete medical diagnosis; (3) Restrictions of visual field; (4) Color perception; (5) Light sensitivity; (6) Physical restrictions; (7) Medical/surgical history; (8) Use of corrective lenses; (9) Recommendations for medical care; and (10) Recommendations for low vision evaluation.		Evaluation team chair	After parental consent for evaluation, and prior to the IEP meeting
d. Medical consultation shall be encouraged on a continuing basis, especially when school personnel believe that there has been a change in the child's behavior or educational functioning or when new symptoms are detected.		School personnel and parent	
3. The required reevaluation shall be conducted in accordance with the procedures detailed in Planning and Conducting the Reevaluation, pages 59-62 of this section and must address those areas listed under item 2.a. above.	Form MFE-501 a-o	Evaluation team chair	Every three years or more frequently if conditions warrant, or if requested by child's parent or teacher

Related Appendices:

Appendix G: School-Age Multifactored Evaluation Requirements

FEDERAL STATUTE: 20 USC 1414 **Evaluations, eligibility determinations, individualized education programs, and educational placements.**

(a) (2) *Reevaluations.*—A local educational agency shall ensure that a reevaluation of each child with a disability is conducted—

- (A) if conditions warrant a reevaluation or if the child's parent or teacher requests a reevaluation, but at least once every three years; and
- (B) in accordance with subsections (b) and (c).

(c) Additional Requirements for Evaluations and Reevaluations.—

(1) *Review of Existing Evaluation Data.* – As a part of an initial evaluation (if appropriate) and as part of any reevaluation under this section, the IEP team described in subsection(d)(1)(B) and other qualified professionals, as appropriate, shall—

- (A) review existing evaluation data on the child, including evaluations and information provided by the parents of the child, current classroom-based assessments and observations, and teacher and related services providers observation; and
- (B) on the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—
  - (i) whether the child has a particular category of disability, as described in section 602(3), or, in the case of a reevaluation of the child, whether the child continues to have such a disability;
  - (ii) the present levels of performance and educational needs of the child;
  - (iii) whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
  - (iv) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the individualized education program of the child and to participate, as appropriate, in the general curriculum.

(2) *Source of Data.*—The local educational agency shall administer such tests and other evaluation materials as may be needed to produce the data identified by the IEP Team under paragraph (1)(B).

(3) *Parental Consent.*—Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(C), prior to conducting any reevaluations of the child with a disability, except that such informed parent consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

(4) *Requirements if Additional Data Are Not Needed.*—If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed to determine whether the child continues to be a child with a disability, the local educational agency—

- (A) shall notify the child's parents of—
  - (i) that determination and the reasons for it; and
  - (ii) the right of such parents to request an assessment to determine whether the child continues to be a child with a disability; and
- (B) shall not be required to conduct such an assessment unless requested to by the child's parents.

FEDERAL REGULATION: 34 CFR §§300.321, 300.533, and 300.536

§300.321 Reevaluations.

Each public agency shall ensure that—

(a) A reevaluation of each child with a disability is conducted in accordance with §300.536; and

(b) The results of any reevaluations are addressed by the child's IEP team under §§300.340-300.349 in reviewing and, as appropriate, revising the child's IEP.

§300.533 Determination of needed evaluation data.

(a) *Review of existing evaluation data.* As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the Act, a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall—

  (1) Review existing evaluation data on the child, including—
    (i) Evaluations and information provided by the parents of the child;
    (ii) Current classroom-based assessments and observations; and
    (iii) Observations by teachers and related services providers; and

  (2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine—

    (i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;
    (ii) The present levels of performance and educational needs of the child;
    (iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
    (iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

(b) *Conduct of review.* The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) *Need for additional data.* The public agency shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.

(d) *Requirements if additional data are not needed.*

  (1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents—
    (i) Of that determination and the reasons for it; and
    (ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

  (2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

§300.536 Reevaluation.

Each public agency shall ensure—

(a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and

(b) That a reevaluation of each child, in accordance with §§300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

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PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall conduct a reevaluation of each child who is receiving special education and related services: a. At least every three years; b. When a child moves from preschool to school-age services; c. Prior to determining that a child is no longer a child with a disability; d. Upon parent or teacher request; e. Prior to a change in disability category; or f. As conditions warrant.	Form MFE-501 a-o		
2. The school district shall obtain parental consent for reevaluations, as follows:		Team chairperson	Prior to the three-year reevaluation anniversary date
a. Consent is not required prior to conducting a review of existing information.			
b. Consent must be obtained prior to conducting any new assessments.	Form PS-402		
c. A district may proceed with a reevaluation without consent, if it has made reasonable attempts to obtain consent, but has not received a response from the parents.	Form CI-210❖		
3. The school district shall arrange for a group that includes members of the child's IEP team and other qualified professionals, as appropriate, to:	Form MFE-501e or MFE-501f	Team chairperson	Prior to conducting the reevaluation
a. Review existing information on the child, including: (1) Evaluation and information provided by the parents; (2) Current classroom-based assessments and observations; (3) Observations by teachers and related services providers; and (4) Information contained in the current IEP.			
b. On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine: (1) whether the child continues to have a particular category of disability; (2) the present levels of performance and educational needs of the child; (3) whether the child continues to need special education and related services; and (4) whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child, and to participate, as appropriate, in the general curriculum, or, for the preschool child to participate in appropriate activities.	Form MFE-501e or MFE-501f		

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Summarize and record the findings of this review on the reevaluation planning form. This form is to be included as a part of the notification materials provided to parents when consent is required for the reevaluation.	Form MFE-501e or MFE-501f		
4. In completing reevaluations which require new testing or assessment, members of the evaluation team, as described in the reevaluation plan:	Form MFE-501 a-o		
a. Summarize existing information in the relevant areas of assessment on the evaluation forms;			
b. Upon receipt of parental consent, conduct any new assessments and document the results on the evaluation forms;			
c. Complete the team report including documentation of the determination of eligibility; and			
d. Provide the parent with a copy of the evaluation team report.	Forms MFE-506 and MFE-501a-o		
5. If no additional data are required to address the issues in item 3.b. above, the team shall:			
a. Contact the parents to	Forms PS-401 and MFE-501e or MFE-501f	Team chairperson	Prior to the three-year reevaluation anniversary date
(1) notify them of this determination and the reasons for it,			
(2) provide them with notification of their right to request that new assessments be conducted, and			
(3) assure them that upon request these assessments will be completed and the results incorporated into the evaluation team report and determination of continued eligibility;			
b. Obtain written consent and complete the steps in item 4. above if the parents request new assessments;	Forms PS-401, PS-402, and PS-406 and Form MFE-501e or MFE-501f and MFE-501g		Following team meeting and prior to completion of reevaluation
c. Complete the reevaluation by summarizing relevant existing information on the evaluation forms;			
d. Complete the team report including documentation of the determination of eligibility; and	Form MFE-501 a-o		
e. Provide the parents with a copy of the evaluation team report.	Forms MFE-501a-o and MFE-506		
6. Upon completion of the reevaluation, and as part of verifying a continued disability, the school district shall:			
a. review the reevaluation data to determine whether or not there is sufficient information to address the issues detailed in item 3.b. above; and	Form MFE-501 a-o		
b. determine whether or not the student continues to be eligible for special education services.			

SECTION: Assessment/Multifactored Evaluation (MFE)

TOPIC: Evaluation Team Report for Reevaluations

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The evaluation team report shall document, interpret, and carefully consider information from a variety of sources, including the current IEP, classroom-based assessments, aptitude and achievement tests, observations by teachers and related services providers, and recommendations from parents and teachers.	Form MFE-501 a-o	Team members and team chairperson	
2. The evaluation team report must document the assessment of all areas related to the disability and necessary for continued verification of the particular disability condition, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.	Form MFE-501 a-o	Team members and team chairperson	
3. The multifactored evaluation (MFE) team report for reevaluations shall provide documentation that includes:		Team members and team chairperson	
a. The report cover;	Form MFE-501a		
b. Identifying information about the child, including a summary of information and services the child has received;	Form MFE-501b		
c. The reevaluation planning document;	Form MFE-501e or MFE-501f		
d. Evaluation summaries filed by each team member, using the evaluation form(s), that describe and interpret student performance in those areas of assessment specified on the reevaluation planning form. Each evaluation form shall include— (1) Identifying information about the child, including name, date of birth, and age; (2) Areas of functioning assessed by the evaluator; (3) A summary of evaluation activities and methods (check boxes), including how selected activities addressed concerns; (4) Sources of data, informants, and procedures used, including names and titles of persons conducting each assessment; (5) Date(s) of assessment(s); (6) Methods of assessment, including names of tests; (7) Results and scores, if available;	Form MFE-501g		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(8) Instructional implications of assessment data;			
(9) Clear instructional implications of each area of assessment in a designated subsection specifically entitled, 'Instructional Implications'; and			
(10) Signature (dated) of the evaluator testifying to the accuracy of the information reported;			
e. Supplemental and specialized reports, including—			
(1) For children suspected of having specific learning disabilities (SLD), additional detailed information necessary to document whether or not the child continues to have a specific learning disability, including:	Form MFE-501i	Team members and team chairperson	
(a) A description of how the relevant behavior noted during the observation(s) of the child relates to academic functioning;			
(b) A description of educationally relevant medical findings, if any;			
(c) A statement indicating whether or not the child is able to achieve in a manner commensurate with his or her age and ability levels;			
(d) Team determination of whether or not a severe discrepancy continues to exist between achievement and intellectual ability in one or more of the seven areas of academic functioning; and if so, whether or not this discrepancy is correctable without special education and related services;			
(e) A summary of the assessment results and other data used by the team to determine a severe discrepancy and the presence of a specific learning disability, including—			
(i) Evaluation data and a comparison of test results, including discrepancy scores;			
(ii) Classroom-based assessments, work samples, and the results of interventions;			
(iii) Group tests scores, if available; and			
(iv) Additional data and other information, including consideration of the child's age;			
(f) A summary of the consideration given by the team to factors associated with environmental, cultural, or economic disadvantage; and			
(g) An indication that the team has ruled out visual, hearing or motor impairment, mental retardation, or emotional disturbance as the primary reason for the severe discrepancy and learning disability.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(2) For children suspected of having Emotional Disturbance (ED), the team report should include:	Form MFE-501l		
(a) A summary and description of the relevant behavior(s) noted during the observations of the child, including— (i) A clear description of the behavior patterns of concern, including the environments in which problem behaviors occur; (ii) A measure of frequency of occurrence of the behavior in terms of times per minute, hour, day, or other time period; and (iii) An indication of the intensity of the behavior pattern (i.e., how extreme the behavior pattern is relative to the peer group);			
(b) A description of the relationship of the observations to the norm-referenced tests of personality and/or measures of behavior;	Form MFE-501j		
(c) A description of how the child has exhibited one or more of the following conditions over a long period of time and to a marked degree, and how the presence of these conditions adversely affect educational performance— (i) An inability to learn, which cannot be explained by intellectual, sensory or health factors; (ii) An inability to build or maintain satisfactory interpersonal relationships with peers or teachers; (iii) Inappropriate types of behavior or feelings under normal circumstances; (iv) A general pervasive mood of unhappiness or depression; or (v) A tendency to develop physical symptoms or fears associated with personal or school problems; and			
(d) A statement indicating whether or not the behavior is a result of social maladjustment;			
f. The record of the Intervention-Based Assessment for approved teams using IBA/MFE in the reevaluation process;	Form MFE-501h		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
g. An evaluation summary section, "Team Summary and Interpretation of the Multifactored Evaluation," that integrates and interprets the information provided by each team member, and information provided by the parents. This summary shall include: (1) Summary of Current Performance (a) A description of how the child's performance is similar to typically developing children. For school-age children, the description of educational performance should address progress in the general curriculum. For preschool children, this description should address participation in appropriate activities; (b) A description of how the child's performance differs from that of typically developing children and how these differences, both strengths and weaknesses, impact participation in instructional activities and educational performance, including progress in the general curriculum, or, for preschool children, participation in age-appropriate activities; (c) An explanation and interpretation of assessment results, including present levels of performance and strengths and weaknesses, and if not reported elsewhere, educationally relevant medical findings, if any; (d) For preschool reevaluations— (i) A summary of the information obtained from application of the four required assessment procedures (structured interview; structured observation; standardized, norm-referenced assessments; and criterion/curriculum–referenced assessments) in documenting areas of deficit; (ii) A summary of assessment results in each of the domains specified in the preschool rules; and (iii) The team's conclusions about the impact of environmental, cultural, and economic disadvantage; (e) A description of the child's previous instruction in reading and math; (f) A review of the child's competencies in the English language; and	Form MFE-501m		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(g) A summary of interventions that have been provided, including the results of these interventions. (2) Description of Educational Needs (a) A description of what is keeping the child from participating in typical instructional activities and making progress in the general curriculum, or, for preschool children, from participating in appropriate activities; (b) A description of prioritized needs of the child, which are related to his or her ability to access instruction and progress in the general curriculum, or, for preschool children, participate in appropriate activities; (c) Baseline data, characterizing level of skill or performance in each area(s) of critical need that has been identified. This data should be available to the IEP team for use when establishing goals and objectives; (d) Discussion of the following special considerations, as appropriate, for the development of the IEP— (i) The need for strategies and supports to address behavior; (ii) For children with limited English proficiency, consideration of language and communication needs; (iii) For all children, consideration of communication needs; (iv) For children who are blind or visually impaired, considerations for selection of Braille as an instructional methodology and recommendations on the use of Braille instruction; (v) For children who are deaf or hard of hearing, consideration of language and communication mode; (vi) Consideration of needs for assistive technology services and devices; and (vii) Consideration of needs in the area of physical education; (e) A description of the adverse impact the child's weaknesses or areas of need have on his or her ability to access and progress in the general curriculum, or, for the preschool child, the adverse effect the deficit area(s) has on normal development and functioning, and participation in appropriate activities;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(f) A summary of other relevant information; and			
(g) A summary of why the child may continue to need special education and related services.			
(3) Implications for Instruction and Progress Monitoring			
Note: This information should be used by the IEP team in developing the IEP.			
(a) A description of what strategies and supports may be needed to improve progress in the general curriculum, or, for preschool children, participation in appropriate activities;			
(b) A description of the interventions and instructional strategies, including behavior management techniques, if appropriate, that should be considered by the IEP team in developing the individualized education program;			
(c) A discussion of the types of supports, aids, services, and accommodations that will help the child—			
(i) To be educated and participate with other children with disabilities and nondisabled children;			
(ii) To advance appropriately toward attaining long-term goals;			
(iii) To be involved in and progress in the general curriculum, or, for preschool children, to participate in appropriate activities; and			
(iv) To participate in extracurricular activities;			
(d) A discussion of possible or likely measurable annual goals, including benchmarks or short term objectives; and			
(e) A description of methods that may be employed when assessing—			
(i) Progress in the general curriculum;			
(ii) Progress toward IEP goals; and			
(iii) Performance on State and district-wide assessments.		Team members, team chairperson, and parents	Upon completion of reevaluation

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
h. Documentation of Eligibility			
(1) Assurance that the child or youth has not been incorrectly determined to have a disability due to lack of instruction in reading or math;	Form MFE-501n		
(2) Assurance that the child or youth has not been incorrectly determined to have a disability because of limited English proficiency;			
(3) Documentation that the child continues to have a disability, and if so, which disability. For preschool reevaluations, this section should also record the area(s) of documented deficit;			
(4) The basis the team used in making this determination, including a description of how the student either meets or fails to meet the definition of the disability condition for which the reevaluation was conducted;			
(5) A statement that the disability condition presents an adverse affect on the child's educational performance. This statement is based upon information contained in the evaluation summary;			
(6) A listing of those individuals who participated in making the decision about eligibility;			
(7) Signatures and an indication of agreement or disagreement with the team determination are required from all team members for SLD, preschool, ED, and IBA/MFE reevaluation. For other reevaluations, signatures and an indication of agreement or disagreement are required from those individuals participating in the documentation of eligibility; and			
(8) A statement of disagreement must be filed by any team member who is in disagreement.	Form MFE-501o		Within two weeks of the evaluation team meeting

SCHOOL DISTRICT
<FIRST ADDRESS>

<NEXT ADDRESS>
<CITY>, Ohio <ZIP CODE>
<PHONE NUMBER>

EVALUATION TEAM REPORT (ETR)

COVER PAGE

This report summarizes and interprets the results of a multifactored evaluation completed as a portion of the child identification and evaluation procedures established by the Individuals with Disabilities Education Act (IDEA). The information contained in this report is subject to the rules governing confidentiality of educational records.

Student's Name:________________ Date of Birth:_____/_____/_____ Age:______

The information contained in this report was compiled or developed by the assessment team to address specific educational concerns, including the student's need for special education services.

THIS REPORT DOCUMENTS:

☐ An initial evaluation completed: Date:____________

☐ A reevaluation completed: Date:____________

☐ An Intervention-Based Assessment/MFE completed: Date:____________

(To be used by those school districts with approval from the Ohio Department of Education)

MFE-501b

STUDENT INFORMATION

Identifying Data

Name:

Date of Birth:

Address:

Phone:

Legal Guardian:

Address(if different than student):

Phone(if different than student):

Father:

Address(if different than student):

Phone(if different than student):

Mother:

Address(if different than student):

Phone(if different than student):

Parent(s) Native Language(if not English):

Student's Native Language(if not English):

Grade: EMIS/Student Number: Current Disability Condition:

Building of Current Attendance:

Present Teacher(s):

Date of Reevaluation Plan:

Reevaluation Completion Date:

Summary of background information and services provided to the student:

MFE-501c

Preschool Planning Form: INITIAL MULTIFACTORED EVALUATION (MFE)

Child's Name:______________________________ Date of Birth:_____________ Chronological Age:_______

STEP 1: In the appropriate box, document each assessment which has already occurred. Include title and/or person who conducted the assessment and the date. When applicable, include the name of the assessment tool.

STEP 2: In the appropriate box, write the title and/or person who will conduct the evaluation(s) needed to complete the MFE.

NOTE: Information must be collected for all the areas in the left-hand column using one of the four methods listed across the top. In the area(s) of suspected deficit (indicated in bold print) which are circled, information must be collected using **all four** methods.

CIRCLE the area(s) of suspected deficit	Structured Interview	Structured Observations (2)	Standardized Norm-Referenced Tests	Criterion-Referenced/ Curriculum-Based
Background ☐ Completed				
Adaptive Behavior ☐ All needed information has been collected or completed				
Cognitive Ability ☐ All needed information has been collected or completed				
Communication ☐ All needed information has been collected or completed				
Hearing Ability ☐ All needed information has been collected or completed			Audiological Exam	
Vision Ability ☐ All needed information has been collected or completed			Vision Exam Braille	
Preacademic Skills ☐ All needed information has been collected or completed				
Gross/Fine Motor Skills ☐ All needed information has been collected or completed				
Social/Emotional Behavioral ☐ All needed information has been collected or completed				
Medical/Health ☐ All needed information has been collected/completed				

☐ The team has taken into consideration possible sources of racial/cultural bias in planning these assessments.

______________________________ (Signature of Evaluation Team Chairperson) Date of Plan:____/____/____

MFE-501d

School-Age Planning Form: INITIAL MULTIFACTORED EVALUATION (MFE)

Student's Name:______________________ Date of Birth:________________ Age:__________

STEP 1: List area(s) of suspected disability:____

STEP 2: In column (C), record the assessments completed within the past year by listing the assessment date and the position of the individual or agency that conducted the assessment.

STEP 3: In the methods columns (D), indicate the position of the individual assigned to conduct the assessments listed in column (A).

(A) Assessment Areas	(B) Required to Determine Eligibility for:	(C) Completed by:	(D) Methods		
			Interview/ Records	Observation	Direct Assessment
Physical (medical) Examination	MD, HI, VI, OH, OHI ED, TBI, Autism				
Health and Nutrition	As needed				
General Intelligence	All, except S/L				
Academic/Preacademic Skills	All				
Educational Functioning	S/L				
Vision Abilities	All, except S/L &VI				
Eye Condition by Specialist	VI				
Braille Needs	VI				
Hearing Abilities	All except HI				
Audiological Status	HI				
Communicative Status	All				
Communication Mode	HI				
Adaptive Behavior	MD, MR (DH)				
Social and Emotional Status	MD, HI, VI, OH, OHI, SLD				
Classroom Observations	SLD		■		■
Informal Behavioral	ED		■		■
Informal Behavioral	ED		■		■
Behavior/Personality Measure	ED				
Background Information	ED				
• Reading and Math Instruction	All				
• Social and Cultural	MR (DH)				
• English Proficiency	All				
Teacher Recommendations	MR (DH)				
Motor Abilities	All, except S/L				
Vocational/Occupational and Transition Needs	↕ When needed, and as required by age 14 and age 16				
• Aptitudes					
• Interests					
• Preferences					
• Employability					
Assistive Technology Needs	As Needed				
Other:					
Other:					

☐ The team has taken into consideration possible sources of racial/cultural bias in planning these assessments.

________________________ (Signature of Evaluation Team Chairperson) Date of Plan:___/___/___

Preschool Planning Form: REEVALUATION

Child's Name:__________________________ Date of Birth:________________ Chronological Age:________

STEP 1: In the appropriate box, document each assessment which has already occurred. If current data is available, include title and/or person who conducted the assessment and the date. When applicable, include the name of the assessment tool.

STEP 2: In the appropriate box, write the title and/or person who will conduct the needed assessments.

NOTE: Reevaluations that are being conducted to determine a child's special education needs upon enrollment in school-age programs should be planned and recorded using the school-age reevaluation planning form (Form MFE-501f).

CIRCLE the area(s) of suspected deficit	Current Data is Available	New Assessments are Necessary		
Areas		**Interview**	**Observation**	**Direct Assessment**
Background ☐ Completed				
Adaptive Behavior ☐ All needed information has been collected or completed				
Cognitive Ability ☐ All needed information has been collected or completed				
Communication ☐ All needed information has been collected or completed				
Hearing Ability ☐ All needed information has been collected or completed			Audiological Exam	
Vision Ability ☐ All needed information has been collected or completed			Vision Exam Braille	
Preacademic Skills ☐ All needed information has been collected or completed				
Gross/Fine Motor Skills ☐ All needed information has been collected or completed				
Social/Emotional Behavioral ☐ All needed information has been collected or completed				
Medical/Health ☐ All needed information has been collected or completed				

Team Members:

☐ The team has taken into consideration possible sources of racial/cultural bias in planning these assessments.

____________________________(Signature of Evaluation Team Chairperson) Date of Plan:____/____/____

MFE-501f

School-Age Planning Form: REEVALUATION

Student's Name:____________________ Date of Birth:________________ Age:__________

STEP 1: List area(s) of disability:____

STEP 2: For those assessment areas listed in column (A) considered by the team, indicate "yes" or "no" in column (C) to indicate if sufficient existing data is available. In the appropriate columns listed under column (D), indicate any new assessments to be conducted by listing the position of the individual assigned.

STEP 3: List team members who participated in **the review of existing information.**

STEP 4: Establish date for completion of reevaluation. Reevaluation will be completed by:____________________

(A) Assessment Areas	(B) Must be addressed for:	(C) Current Data Available	(D) New Assessment Necessary		
			Interview/ Records	Observation	Direct Assessment
Physical (medical) Examination	MD				
Health and Nutrition	MR (DH)				
General Intelligence	MD, ED, MR (DH), SLD				
Academic/Preacademic Skills	All				
Educational Functioning	S/L				
Vision Abilities	MD, HI, OH, OHI, MR (DH), SLD				
Eye Condition by Specialist	VI				
Braille Needs	VI				
Hearing Abilities	MD, VI, OH, OHI, MR (DH), SLD				
Audiological Status	HI				
Communicative Status	All				
Communication Mode	HI				
Adaptive Behavior	MD, MR (DH)				
Social and Emotional Status	MD, HI, VI, OH, OHI				
Classroom Observations	SLD				
Informal Behavioral	ED				
Informal Behavioral	ED				
Behavior/Personality Measure	ED				
Background Information	ED				
• Reading & Math Instruction	All				
• Social and Cultural	MR (DH)				
• English Proficiency	All				
Teacher Recommendations	MR (DH)				
Motor Abilities	MD, HI, VI, OH, OHI, MR (DH), SLD				
Vocational/Occupational and Transition Needs • Aptitudes • Interests • Preferences • Employability	When needed, and as required by age 14 and age 16 ↕				
Assistive Technology Needs	As needed				
Other:					

☐ The team has taken into consideration possible sources of racial/cultural bias in planning these assessments.

Team Members:

________________________(Signature of Evaluation Team Chairperson) Date of Plan:____/____/____

MFE-501g

EVALUATION FORM

Name of Student: ____________ Date of Birth: ___/___/___ Age: ________

Evaluator: ____________________ Title: ____________________

Areas of Assessments:

Evaluation methods and activities:

☐ Observation(s)
☐ Record Review
☐ Curriculum-Based Assessment
☐ Interview(s)
☐ Classroom-Based Assessment
☐ Norm-Referenced Assessment
☐ Trial Intervention(s)
☐ Other

Summary of assessment(s), including results and instructional implications:

Signature of Evaluator: ____________________ Date: ___/___/___

MFE-501h
Page 1 of 2

DOCUMENTATION OF INTERVENTION-BASED ASSESSMENT

Student's Name:____________________ Date of Birth:____/____/____ Age:__________

This report section summarizes an intervention-based assessment completed by a team, including the student's parents, school staff, and other appropriate professionals. Intervention-based assessment and IBA/MFE are procedures being developed by the Ohio Department of Education to better meet the needs of children and youth with disabilities. Specific training is required prior to implementing these practices, and teams receive explicit permission to use IBA/MFE in evaluations of students who are suspected of having a disability. Parental consent is required before conducting evaluations according to these methods. A school district receiving an IBA/MFE on a transfer student may choose to accept this evaluation or conduct its own assessments.

IBA/MFE Section One: Problem Definition

(To be used only by school districts with approval from the Ohio Department of Education)

Student's Name:____________________ Date of Birth:____/____/____ Age:__________

IBA/MFE Section Two: Problem Analysis and Intervention Planning

1. List the problem areas, including ecological issues, that were addressed or directly assessed in conducting an analysis of the problems defined in Section One.

Problem Area	Assessment Method	Person Responsible	Date

2. What critical needs were identified and targeted for intervention?

3. What are the student's baseline levels in those areas selected for intervention?

(To be used only by school districts with approval from the Ohio Department of Education)

MFE-501h
Page 3 of 3

Student's Name:________________________ Date of Birth:____/____/____ Age:____________

IBA/MFE Section Three: Summary of Interventions

1. Describe goals established for the student:

2. Describe the interventions provided during the IBA/MFE:

3. Describe the data collection and continuous progress monitoring processes:

4. Discuss the results of interventions by interpreting accompanying data, charts, and graphs:

See Attached: ☐ Chart ☐ Graph ☐ Tables

IBA/MFE Section Four: Characteristics of Successful Interventions

1. Summarize the interventions that have been successful:

2. Are the interventions that are necessary to help the student attain targeted goals, or to maintain that performance of such a unique nature and intensity, as determined through an analysis of the use of instructional methods, materials, equipment, services, personnel, and/or environmental or physical adaptations, that they may be considered to be specially designed instruction?

   ☐ Yes ☐ No

   If yes, please explain:

(To be used only by school districts with approval from the Ohio Department of Education)

MFE-501I

SUPPLEMENTAL INFORMATION FOR TEAM'S DETERMINATION OF SLD ELIGIBILITY

Student's Name:____________________ Date of Birth:____/____/____ Age:__________

A. Describe the relationship of the relevant behavior noted during observation(s) to the student's academic functioning:

B. Describe educationally relevant medical findings, if any:

C. Is this student unable to achieve commensurate with his or her age and ability levels in one or more of the areas listed in item D. below, when provided with learning experiences appropriate for his or her age and ability level?

☐ Yes ☐ No

D. Does this student have a severe discrepancy between achievement and ability which cannot be corrected without special education and related services in one or more of the following areas?

Oral Expression	☐ Yes	☐ No	Reading Comprehension	☐ Yes	☐ No
Listening Comprehension	☐ Yes	☐ No	Mathematics Calculation	☐ Yes	☐ No
Written Expression	☐ Yes	☐ No	Mathematics Reasoning	☐ Yes	☐ No
Basic Reading Skill	☐ Yes	☐ No			

E. Summarize assessment results and other data used by the team to support the determinations cited under item D. above:

(1) Evaluation data, including comparison of test results:

(2) Classroom-based assessments, work samples, effective interventions:

(3) Group tests scores:

(4) Additional data and other information:

F. How did the team determine that the learning problem is not the result of environmental, cultural, or economic disadvantage?

G. Do evaluation results rule out visual, hearing or motor impairment, mental retardation, or emotional disturbance as the primary reason for the severe discrepancy?

☐ Yes ☐ No

SUPPLEMENTAL INFORMATION: EMOTIONAL DISTURBANCE

Student's Name:____________________________ Date of Birth:____/____/____ Age:____

A. Describe the relationship of behavior to the results of norm-referenced assessments:

B. Describe how the student has exhibited one or more of the following criteria over a long period of time and to a marked degree. Include in the description information about the frequency, intensity, and duration of the behavior.

1. An inability to learn which cannot be explained by intellectual, sensory, or health factors:

2. An inability to build or maintain satisfactory interpersonal relationships with peers or teachers:

3. Inappropriate types of behavior or feelings under normal circumstances:

4. A general or pervasive mood of unhappiness or depression:

5. A tendency to develop physical symptoms or fears associated with personal or school problems:

C. Is the student's condition the result of social maladjustment? ☐ Yes ☐ No

Provide a basis for this determination:

MFE-501k
Page 1 of 2

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EYE REPORT FOR CHILDREN WITH VISUAL PROBLEMS

Date of Exam: ___/___/___

Name of Child: ______________________________ ___/___/___
(First) (Middle) (Last) (DOB)

Address: ______________________________
(No. and Street)
____
(City or Town) (County) (State) (Zip)

Name of School: ______________________________ Grade: __________

Address: ______________________________
(No. and Street)
____
(City or Town) (County) (State) (Zip)

I. HISTORY

A. Primary cause of visual impairment: ______________________________

B. List any systemic disease(s) contributing to the ocular condition: ______________________________

____

C. Surgeries (i.e., cataract, strabismic, other): ______________________________

D. Medications: ______________________________
(Please list all ocular and systemic medication)

E. Age of onset of visual impairment: __________

II. REFRACTIVE CORRECTION

A. What is the child currently wearing or using? ______________________________

____

B. Current prescription: *OD* ______________ *OS* ______________

	Distance Visual Acuity Without Glasses	**Distance Visual Acuity With Current Glasses**	**Near Visual Acuity Without Glasses**	**Near Visual Acuity With Glasses**
Right Eye (OD)				
Left Eye (OS)				
Both Eyes (OU)				

C. Are new glasses recommended? ☐ Yes ☐ No

D. If yes, what is the child's best refraction? ______________________________

E. Is low vision aid examination recommended? ☐ Yes ☐ No

	Sphere	Cylinder	Axis	Corrected Near Visual Acuity	Corrected Distance Visual Acuity
Right Eye (OD)					
Left Eye (OS)					

F. Is visual field normal? ☐ YES ☐ NO If no, please attach or describe: ______

G. Is there normal color perception? ☐ YES ☐ NO

If no, what color(s)? ______

Please indicate test used: ______

H. Is there evidence of light sensitivity? ☐ YES ☐ NO

III. PROGNOSIS AND RECOMMENDATIONS

A. Recommendations:

☐ Low vision examination ☐ Glasses

☐ Optical aids ☐ Other ______

Comments: ______

______

B. Preferred lighting: ______

______

C. Special tinted lenses/filters recommended? ☐ YES ☐ NO

Specify: ______

D. Specify need for physical restrictions: ______

E. Reading Model(s):

☐ Large Print ☐ CCTV

☐ Standard Print ☐ Braille

☐ Tape

F. Prognosis: ☐ Stable ☐ Deteriorating ☐ Capable of Improvement

Comments: ______

Wish to see child again? ☐ YES ☐ NO
If yes, when? ______
Doctor's Name (Signature): ______
Doctor's Name (Print): ______
Address: ______
(No. and Street)
______ Phone: ______
(City or Town) (County) (State) (Zip)

Return to: ______ (School District)

______ (Address)

MFE-501I

SUMMARY OF OBSERVATION

Student's Name:______________________ Date of Birth:____/____/____ Age:_____

(Multiple observations are required for ED evaluations. Each individual conducting an observation should complete a Summary of Observation form).

Date of Observation:____/____/____ Setting:______________________________

Activity:____

____

Conducted by (Name and Title):_______________________________________

A. Summarize relevant behaviors:

1. Describe behavior patterns:

2. Describe the frequency of problem behavior(s):

3. Describe the intensity of the problem behavior(s):

B. Describe the relationship of behavior(s) to the student's academic functioning:

C. Describe instructional implications of behavior problems:

______________________________ ______________________

Signature Date

MFE-501m

TEAM SUMMARY
AND
INTERPRETATION OF THE MULTIFACTORED EVALUATION

Student's Name:__________________________ Date of Birth:_____/_____/_____ Age:_________

Summary of Current Performance:

Description of Educational Needs:

Implications for Instruction and Progress Monitoring:

MFE-501n

DETERMINATION OF ELIGIBILITY

Student's Name:____________________ Date of Birth:____/____/____ Age:__________

1. Has the evaluation eliminated lack of instruction in reading or math as the determinant factor in reaching a conclusion about the presence of a disability? ☐ Yes ☐ No

2. Has the evaluation eliminated limited English proficiency as a determinant factor in reaching a conclusion about the presence of a disability?

   ☐ Yes ☐ No

3. Has it been determined that this student has or continues to have a disability?

   ☐ Yes (indicate disability) ________________________________ ☐ No

   ____

4. Describe how the child either meets or fails to meet the definition of the suspected disability for which the assessment was conducted.

5. Does information contained in the preceding evaluation summary confirm that the disability condition has an adverse affect upon the educational performance? ☐ Yes ☐ No

The following individuals participated in reaching the determination about this child's or student's eligibility for special education and related services (Signatures required for all team members for SLD, ED, PS, and IBA/MFE):

NAME	TITLE	DATE	AGREE	DISAGREE✱	SIGNATURE
	Parent				
	Teacher				

✱Team member/individual must file a statement of disagreement

MFE-501o

STATEMENT OF DISAGREEMENT

A statement of disagreement must be submitted by any team member who is in disagreement with the team's decision about a student's eligibility for special education services. Submit statement within two weeks following the team meeting.

Regarding the assessment of:____

Date of assessment team meeting:______________________________________

Briefly summarize your reasons for disagreeing with the team's decision regarding this student's eligibility for special education services:

____ ______________
Signature/Title Date

For Office Use Only:

Received:______________ Attached to team report:______________

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MFE-502✤

MEDICAL AUTHORIZATION FOR PHYSICAL THERAPY EVALUATION/SERVICES TO MEET EDUCATIONAL NEEDS

Date: _____

To Whom It May Concern:

____ is in need of
(Child's Name)

Check One:

☐ A diagnostic physical therapy evaluation as a part of the multifactored evaluation

☐ Physical therapy services to meet educational needs

____
Name of Physician

____
Signature of Physician

____
Address
____
____

Diagnosis: ____
____
____

Comments and/or specific treatment orders:
____
____
____
____

✤Denotes optional procedure/form

MFE-503❖

Confidential

REQUEST FOR MEDICAL DIAGNOSTIC EVALUATION

TO: ______________________________

FROM: ______________________________

DATE: ______________________________

SUBJECT: ______________________________

______________________ is being referred for a medical diagnostic evaluation in
(Child's Name)
order to establish eligibility to receive the special education and related services that will best meet his/her needs. The area of concern for this child is ______________________

____.

It is necessary for our school district to have on file a record of a current medical examination indicating any physical factors that may contribute to any learning and/or behavior problems.

Please complete the Request for Medical Diagnostic Evaluation Form, which is attached to this letter and return it to the address indicated below.

Thank you for your time and cooperation.

______________________ ______________________
(School District Representative) (Telephone)

____
(Address)

____

Attachment

❖Denotes optional procedure/form

MFE-504❖
Page 1 of 2

Confidential

MEDICAL DIAGNOSTIC EVALUATION FORM

Identifying Data Date:____/____/____

Child's Name:____________________ Age:_____ Grade:_______

Parent's Name:____________________ School:____________________

Address:____________________ District:____________________

I. General Findings

Significant findings on (describe any abnormalities):

A. General physical examination

Height______	Weight______	BP______	Lymphatics______
Skin______	Head______	Eyes______	Ears______
Nose______	Teeth______	Neck______	Chest______
Back______	Abdomen______	Genitalia______	Extremities______

B. Vision

C. Speech and hearing

II. Specific Findings

Significant findings:

A. General neurological examination

Gait	______	Station	______	Muscle Power	______
Muscle Tone	______	Reflexes	______	Cranial Nerves	______

❖**Denotes optional procedure/form**

B. Motor abnormalities

Gross Motor Coordination: ______

Fine Motor Coordination: ______

C. Sensory abnormalities

III. Behavioral Problems (check if observed or reported by informant)

☐ Hyperactive ☐ Withdrawn ☐ Short attention span ☐ Disturbed sleep pattern

☐ Distracted ☐ Other (please describe) ______

IV. Medical Recommendations (include medication as prescribed):

V. This is to certify that the above-named child has had a complete physical examination.

______
Physician's Signature

______
Date

______

______
Address

______
Telephone Number

❖Denotes optional procedure/form

PHYSICAL EXAMINATION LETTER

Date:______

Dear______________________________:
Parents' Name

As part of the multifactored evaluation to determine eligibility for special education and related services, your child will need to have a physical examination. You can obtain a physical examination at no expense from Dr. ______________________________
Physician's Name

____
Address

______________.
Telephone Number

We will be happy to schedule the appointment for you, or you may use a physician of your choice at your own expense.

Please let us know what you would like to do.

Sincerely,

____
Name of Person

____
Name of School District

____
Position

____
Phone Number

❖Denotes optional procedure/form

MFE-506

EVALUATION TEAM REPORT
PARENT LETTER

Date:__________________

Dear ______________________________:
Parents' Name

We have completed the evaluation of your child and have summarized our results in a team report. We are providing you with a copy of this report. It describes the assessments that have been completed and documents your child's special education needs, if any. Information contained in this report is used to develop an Individualized Education Program for children who receive special education services.

The information contained in this report is subject to the rules governing confidentially of school records.

Sincerely,

____
Name of Chairperson

SECTION 6: INDIVIDUALIZED EDUCATION PROGRAM (IEP)/ LEAST RESTRICTIVE ENVIRONMENT (LRE)

CONTENTS BY TOPIC

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- **Transportation** Page 4

IEP Team

- **General** Page 7
- **Parent Participation** Page 11
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IEP Team Responsibilities/IEP Sequential Process/IEP Content Page 16

IEP Sequential Process (Expanded)

- **Step 1: Discuss Vision: Future Planning** Page 20
- **Step 2: Discuss Present Levels of Performance** Page 21
- **Step 3: Identify Specialized Educational Needs for this IEP** Page 23
- **Step 4: Identify Measurable Goals, Objectives, and Assessment Procedures** Page 24
- **Step 5: Identify Needed Services** Page 26
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  - **Continuum of Alternative Placements** Page 31
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IEP – Special Factors and Other Considerations

- **Behavior Considerations** Page 37
- **Behavior Considerations—Crisis Intervention Plan** Page 39
- **Limited English Proficiency** Page 41
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- **Communication** Page 45
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- **Testing Considerations** Page 63

Parental Consent/Copies of IEP Page 67

Monitoring and Reporting Progress Page 70

Periodic Review Page 71

Children in Other Districts or Agencies Page 73

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Transition From Part C To Preschool Programs (Part B) Page 84

SECTION 6: INDIVIDUALIZED EDUCATION PROGRAM (IEP)/ LEAST RESTRICTIVE ENVIRONMENT (LRE) (Continued)

FORMS		***TOPIC***
IEP-601❖	**Invitation to IEP Meeting (District Personnel)**	*IEP Team:General/ IEP-Special Factors:LEP/Periodic Review*
IEP-602	**Invitation to Initial Individualized Education Program (IEP) Meeting**	*IEP Team:General/IEP Team:Parent Participation*
IEP-603	**Invitation to Periodic Review Individualized Education Program (IEP) Meeting**	*IEP Team:General/IEP Team:Parent Participation/Periodic Review/Children in Other Districts or Agencies*
IEP-604❖	**Invitation to IEP Meeting (Other Agencies)**	*IEP Team:General/ Periodic Review/ Children in Other Districts or Agencies*
IEP-605	**Student Invitation to IEP/Transition Meeting**	*IEP Team:General/ Periodic Review*
IEP-606	**IEP Sequence**	*IEP Sequential Process*
IEP-607	**Individualized Education Program**	*Transition:Early Intervention (Part C) to Preschool Special Education Programs (Part B)/Providing Notice to Parents/Parental Consent/Determination of Setting:IAES/ Functional Behavior Assessment; Manifestation Determination/ Protections for Children Not Yet Eligible for Special Education and Related Services/All of Individualized Education Programs-Least Restrictive Environment/ Conflict Resolution*
	• IEP: Statement of Needed Transition Services	*Transition School to Postschool*
	• IEP: Proficiency Tests **• Proficiency Guidelines**	*IEP Sequential Process (Expanded)*
	• IEP: Children/Students with Visual Impairments	*Visual Impairment*
	• IEP: Special Factors and Other Considerations	*Special Factors/Other Considerations*

❖**Denotes optional procedure/form**

SECTION 6: INDIVIDUALIZED EDUCATION PROGRAM (IEP)/ LEAST RESTRICTIVE ENVIRONMENT (LRE) (Continued)

FORMS		***TOPIC***
IEP-608	**Letter to Parents Following IEP Meeting**	*IEP: Team Parent Participation/ Parental Consent/ Copies of IEP/Periodic Review/Preschool*
IEP-609❖	**Progress Report**	*Monitoring and Reporting Progress*
IEP-610❖	**Request for Consideration of Service Delivery in Another District or Other Educational Agency IEP Out-of-District Placements**	*Children in Other Districts or Agencies*

RELATED APPENDICES

Appendix A: Guidelines for Providing Services to Children with Disabilities Parentally Placed in Ohio Chartered Nonpublic Schools

Appendix D: Interagency Agreement on Transition From Early Intervention (Part C) To Preschool Special Education Programs (Part B) Or Other Appropriate Services

Appendix F: Technical Assistance for Implementation of the Behavior Intervention Process

Appendix I: Assistive Technology

Appendix J: State Superintendent of Public Instruction Memorandum of April 14, 1989. (Extended School Year Services)

Appendix K: Early Education of the Handicapped Teacher and Prekindergarten Teacher Certification/Training Memorandum of April 21,1995

Appendix L: Individual Career Plan (ICP)

ADDITIONAL RESOURCES

- **Ohio Department of Education. (January 1, 1995). *Transportation of children with disabilities. 3301-51-10. Rule for transporting children with disabilities.* Columbus, OH: Author.**
- **Ohio Department of Education, Division of Special Education. (September 27, 1993). Memorandum. *Compliance with transition services requirements of IDEA.* Columbus, OH: Author.**
- **Ohio Department of Education. (April 1995). *Ohio's statewide testing program: Rules for proficiency testing.* Columbus, OH: Author.**
- **Ohio Department of Education. (September 3, 1993). Memorandum. *Physical education as special education.* Columbus, OH: Author.**
- **Ohio Department of Education, Division of Special Education. (January 1993). *Summary of the United States Department of Education, office of special education programs (OSEP): Final monitoring report, 1991 review of the Ohio Department of Education.* Columbus, OH: Author.**
- **Ohio Department of Education. (1995). *The individualized education program (IEP): A tour book for the journey.* Columbus, OH: Author**
- **Ohio Department of Education (1995). *The individualized education program (IEP): A road map to success.* Columbus, OH: Author.**
- **Ohio Department of Education. (1982). *Least restrictive environment.* Columbus, OH: Author.**

❖Denotes optional procedure/form

SECTION 6: INDIVIDUALIZED EDUCATION PROGRAM (IEP)/ LEAST RESTRICTIVE ENVIRONMENT (LRE) (Continued)

ADDITIONAL RESOURCES (Continued)

- Ohio Department of Education. (September 3, 1993). Memorandum. *Office of special education programs.* Columbus, OH: Author.
- Ohio Department of Education. (January 1995). *Preschool special education evaluation instrument.* Columbus, OH: Author.
- Ohio Department of Education. (September 3, 1993). *Ohio corrective actions in response to special education compliance monitoring report from the United States [illegible]artment of Education.* Columbus, OH: Author.
- Ohio Department of Education. (April 14, 1989). Memorandum. *Koch v. Walter.* Columbus, OH: Author.
- Ohio Department of Education. (1991). *Ohio handbook for the identification, evaluation, and placement of children with language problems.* Columbus, OH: Author.
- Ohio Revised Code 3317.06(1)
- Ohio Administrative Code 3301-51-10

SECTION: IEP/LRE

TOPIC: Definitions

FEDERAL STATUTE: 20 USC 1414 (d)(1)(A) **Individualized education programs.**

20 USC 1414 (d)(1)(A) Definitions.—As used in this title:

(A) *Individualized Education Program.* The term "individualized education program" or "IEP" means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

(i) a statement of the child's present levels of educational performance, including—

(I) how the child's disability affects the child's involvement and progress in the general curriculum; or
(II) for preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(ii) a statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(I) meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; and
(II) meeting each of the child's other educational needs that result from the child's disability;

(iii) a statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

(I) to advance appropriately toward attaining the annual goals;
(II) to be involved and progress in the general curriculum in accordance with clause (i) and to participate in extracurricular and other nonacademic activities; and
(III) to be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph;

(iv) an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in clause (iii);

(v) (I) a statement of any individual modifications in the administration of State or districtwide assessments of student achievement that are needed in order for the child to participate in such assessment; and
(II) if the IEP Team determines that the child will not participate in a particular State or districtwide assessment of student achievement (or part of such an assessment), a statement of—

(aa) why that assessment is not appropriate for the child; and
(bb) how the child will be assessed;

(vi) the projected date for the beginning of the services and modifications described in clause (iii), and the anticipated frequency, location, and duration of those services and modifications;

(vii) (I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);
(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including, when appropriate, a statement of the interagency responsibilities or any needed linkages; and
(III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m); and

(viii) a statement of—

(I) how the child's progress toward the annual goals described in clause (ii) will be measured; and
(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(aa) their child's progress toward the annual goals described in clause (ii); and
(bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

FEDERAL REGULATION: 34 CFR §300.340 **Definitions related to IEPs.**

(a) *Individualized education program.* As used in this part, the term *individualized education program* or *IEP* means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.341-300.350.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP will be completed in its entirety, including all goals, objectives or benchmarks, and services to be delivered, prior to the initiation of special education and related services.	Form IEP-607	IEP chair	During IEP meeting
2. The IEP will be developed at the IEP meeting with all required participants in attendance.			
3. The IEP team reconvenes if the IEP cannot be completed in one session.			

SECTION: IEP/LRE

TOPIC: IEP In Effect

FEDERAL STATUTE: 20 USC 1414(d)(2) **Requirement that program be in effect.**

(A) *In General.*—At the beginning of each school year, each local educational agency, State educational agency, or other State agency, as the case may be, shall have in effect, for each child with a disability in its jurisdiction, an individualized education program, as defined in paragraph (1)(A).

(B) *Program for child aged 3 through 5.*—In the case of a child with a disability aged 3 through 5 (or, at the discretion of the State educational agency, a 2 year-old child with a disability who will turn age 3 during the school year), an individualized family service plan that contains the material described in section 636, and that is developed in accordance with this section, may serve as the IEP of the child if using that plan as the IEP is—

(i) consistent with State policy; and
(ii) agreed to by the agency and the child's parents.

FEDERAL REGULATION: 34 CFR §§300.342(a), (b), and (d) and 300.301(c)

§300.342 When IEPs must be in effect.

(a) *General.* At the beginning of each school year, each public agency shall have an IEP in effect for each child with a disability within its jurisdiction.

(b) *Implementation of IEPs.* Each public agency shall ensure that—

(1) An IEP—

(i) Is in effect before special education and related services are provided to an eligible child under this part; and
(ii) Is implemented as soon as possible following the meetings described under §300.343;

(2) The child's IEP is accessible to each regular education teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation; and

(3) Each teacher and provider described in paragraph (b)(2) of this section is informed of—

(i) His or her specific responsibilities related to implementing the child's IEP; and
(ii) The specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.

(d) *Effective date for new requirements.* All IEPs developed, reviewed, or revised on or after July 1, 1998 must meet the requirements of §§300.340-300.350.

§300.301(c) FAPE—Methods and payments.

(c) Consistent with §§300.342(b)(2) and 300.343(b), the State must ensure that there is no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

STATE RULE:

IEP activities.

IEP conferences shall be held as soon as possible, and in any event not more than ninety days after parental consent for multifactored evaluation has been received, or within one hundred twenty days after the initial referral as a suspected child with a disability, whichever comes first, except where a greater time span is mutually agreed to in writing by the parent and school district.

The IEP conference for initial placement must be held within 30 days of a determination that the child needs special education and related services.

Transportation.

School district transportation personnel shall be consulted in the preparation of the individualized education program when transportation is required as a related service and when the child's needs are such that information to ensure the safe transportation and well-being of the child is necessary to provide such transportation.

When required by the individualized education program, specialized service and door-to-door transportation will be provided based upon the unique needs of an individual child.

For transportation purposes, a child with disabilities attending a nonpublic school, placed by parent, guardian, or others, shall be entitled to transportation the same as any child without disabilities attending a nonpublic school in accordance with section 3327.01 of the Ohio Revised Code.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The district will ensure that an IEP is in effect for every child with a disability who is receiving special education and related services in the district on the child's third birthday and at the beginning of each subsequent school year.	Form IEP-607	Superintendent or designee	Ongoing
a. The building principal will ensure that a current IEP is on file for each child receiving special education services in the building(s) to which the principal is assigned.	Form IEP-607	Building principal or designee	
b. The superintendent will ensure that a current IEP is on file for children not served within the district.	Form IEP-607	Superintendent or designee	Ninety days after parental consent or 120 calendar days of the initial referral
2. Unless a greater time span is mutually agreed to in writing by the parent and district, the initial IEP must be developed:	CIMS	District representative	
a. Within 90 calendar days of receiving parental consent for a multifactored evaluation; or			
b. Within 120 calendar days of the initial referral for a multifactored evaluation, whichever comes first; and			
c. Within 30 calendar days of the initial determination that the student needs special education and related services.			
3. If more time is needed to develop the IEP (e.g., additional evaluation data is necessary, such as a physical examination), an individual agreement letter will be developed and signed by both the district representative and the child's parent.	Individual letter	District representative	Immediately upon determining that the time line must be extended

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. The IEP will be implemented without undue delay following the IEP meeting, regardless of whether the payment source for special education or related services has been determined.	Form IEP-607	District representative	As soon as possible after parental consent for initial services
a. The IEP team participants will determine dates for the initiation of services.		IEP chair	During the IEP meeting
b. Each teacher and provider will be informed of their responsibilities related to implementing the IEP and specific accommodations, modifications, and supports that must be provided for the child in accordance with the IEP.	Form IEP-607 or district-developed form	District representative/ building principal	Immediately following IEP meeting and/or prior to delivery of special education services
c. The entire copy of the IEP shall be on file in the building and be accessible to anyone involved in the implementation of the IEP. It is suggested that all service providers receive copies of the child's IEP.	Form IEP-607	Building principal	
d. If necessary, transportation should be arranged and provided, when the child is to receive services in another building or district. (1) If special transportation, which means vehicle transportation service directly related to the child's disability and required by the individualized education program as a related service or any applicable state or federal law, is necessary, each school district shall: (a) Establish its own reasonable travel time. Travel time is defined as beginning at the initial pickup of the child and ending with the final arrival at the school destination; (b) Develop its travel time standard, approved by the individual board of education, and consider the following factors: age of child, disability condition, school district, location of special education class, traffic patterns, and roadway conditions;	Form IEP-607	District representative	Immediately following IEP meeting and/or prior to delivery of special education services

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(c) Ensure that travel time for children with disabilities is kept to a minimum, consistent with the requirements of the individualized education program. Generally, travel time should not be longer than comparable in-district transportation time for children without disabilities. Transportation travel time out-of-district should also be minimized, consistent with the requirements of the individualized education program; and			
(d) Monitor suspensions from special transportation for behavior incidents. If the student's educational program (IEP) is no longer being implemented due to the suspension(s), and transportation is included as a related service on the student's IEP, then the total number of days missed in instruction must be counted in the cumulative 10-day total for suspensions. If the student is transported to his special services/programs by other means (e.g., school reimbursement transportation by parent/relative, or by taxi, van, or contracted services paid for by the school), then the day would not count against the cumulative 10-day total for suspensions.			
(2) School district transportation personnel shall be consulted in the preparation of the individualized education program when transportation is required as a related service and when the child's needs are such that information to ensure the safe transportation and well being of the child is necessary to provide such transportation.	Form IEP-607	District representative	As soon as the need is determined
e. The district may enter into cooperative agreements with other districts or agencies in order to implement the IEP.	Cooperative agreements	Superintendent	

Additional Resources:

Ohio Department of Education. (January 1, 1995). *Transportation of children with disabilities. 3301-51-10. Rule for transporting children with disabilities.* Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: IEP Team: General

FEDERAL STATUTE: 20 USC 1414(d)(1)(B) and (d)(3)(C)

1414(d)(1)(B) Individualized education program team.

The term "individualized education program team" or "IEP Team" means a group of individuals composed of—

- (i) the parents of a child with a disability;
- (ii) at least one regular education teacher of such child (if the child is, or may be, participating in the regular education environment);
- (iii) at least one special education teacher, or where appropriate, at least one special education provider of such child;
- (iv) a representative of the local educational agency who—
  - (I) is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities;
  - (II) is knowledgeable about the general curriculum; and
  - (III) is knowledgeable about the availability of resources of the local educational agency;
- (v) an individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in clauses (ii) through (vi);
- (vi) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (vii) whenever appropriate, the child with a disability.

1414(d)(3)(C) Requirement with respect to regular education teacher.

The regular education teacher of the child, as a member of the IEP team, shall, to the extent appropriate, participate in the development of the IEP of the child, including the determination of appropriate positive behavioral interventions and strategies and the determination of supplementary aids and services, program modifications, and support for school personnel consistent with paragraph (1)(A)(iii).

FEDERAL REGULATION: 34 CFR §300.344 **IEP team.**

(a) *General.* The public agency shall ensure that the IEP team for each child with a disability includes—

- (1) The parents of the child;
- (2) At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment);
- (3) At least one special education teacher, or if appropriate, at least one special education provider of the child;
- (4) A representative of the public agency who—
  - (i) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;
  - (ii) Is knowledgeable about the general curriculum; and
  - (iii) Is knowledgeable about the availability of resources of the public agency;
- (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in paragraphs (a)(2) through (6) of this section;
- (6) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and
- (7) If appropriate, the child.

(b) *Transition services participants.*

- (1) Under paragraph (a)(7) of this section, the public agency shall invite a student with a disability of any age to attend his or her IEP meeting if a purpose of the meeting will be the consideration of—
  - (i) The student's transition services needs under §300.347(b)(1);
  - (ii) The needed transition services for the student under §300.347(b)(2); or
  - (iii) Both.

FEDERAL REGULATION: (Continued)

(2) If the student does not attend the IEP meeting, the public agency shall take other steps to ensure that the student's preferences and interests are considered.

(3) (i) In implementing the requirements of §300.347(b)(2), the public agency also shall invite a representative of any other agency that is likely to be responsible for providing or paying for transition services.

(ii) If an agency invited to send a representative to a meeting does not do so, the public agency shall take other steps to obtain participation of the other agency in the planning of any transition services.

(c) *Determination of knowledge and special expertise.* The determination of the knowledge or special expertise of any individual described in paragraph (a)(6) of this section shall be made by the party (parents or public agency) who invited the individual to be a member of the IEP.

(d) *Designating a public agency representative.* A public agency may designate another public agency member of the IEP team to also serve as the agency representative, if the criteria in paragraph (a)(4) of this section are satisfied.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district shall include the following as participants in the IEP meeting, one of whom is designated as chairperson:	Signatures on IEP	District representative	Early enough so that participants can attend
a. The parents of the child;	Forms IEP-601❖, IEP-602, or IEP-603		Early enough so that participants can attend
b. At least one regular education teacher of the child (if the child is, or may be, participating in the regular education environment).			
(1) The regular education teacher participating in a child's IEP meeting should be the teacher who is, or may be, responsible for implementing a portion of the IEP, so that the teacher can participate in discussions about how best to teach the child.			
(2) If the child has more than one teacher, the school district may designate which teacher or teachers will participate.			
(a) In a situation in which all of the child's teachers do not participate in the IEP meeting, the school district is encouraged to seek input from teachers who will not be attending, and should ensure that any teacher not attending the meeting is informed about his/her specific responsibilities related to implementation of the IEP.	Forms IEP-607 or District-developed form	District representative	Immediately following the IEP meeting and/or prior to the delivery of special education services
(b) In the case of a child whose behavior impedes the learning of the child or others, the school district is encouraged to have a regular education teacher or person knowledgeable about positive behavior strategies at the IEP meeting;			
c. At least one special education teacher, or if appropriate, at least one special education provider of the child. The special education teacher or provider participating in a child's IEP meeting should be the person who is, or will be, responsible for implementing the IEP. If, for example, the child's disability is speech impairment, the special education teacher/provider could be the speech-language pathologist;	Form IEP-601❖	District representative	

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. A representative of the school district who— (1) Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of children with disabilities; (2) Is knowledgeable about the general curriculum; and (3) Is knowledgeable about the availability of resources of the local educational agency;			
e. An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described in 1.b.-d. above;			
f. At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate. The determination of the knowledge or special expertise of any such individual shall be made by the party (parents or school district) who invited the individual to be a member of the IEP team;			
g. If appropriate, the child.			
If the child is under 14 years of age, the teacher, parent, or another IEP team member may discuss the IEP meeting with the child and determine the appropriateness of his or her attendance.	Form IEP-605	Teacher, parent, or district representative	Prior to the IEP meeting
Note: Generally, a child with a disability should attend the IEP meeting if the parent decides that it is appropriate for the child to do so. The school district and parents may discuss the appropriateness of the child's participation before a decision is made, in order to help the parents determine whether or not the child's attendance would be (1) helpful in developing the IEP and/or (2) directly beneficial to the child. The school district may inform the parents before each IEP meeting, as part of notification (refer to page 11 of this section), that they may invite their child to participate; and			
h. A member of the IEP team may be designated as the school district representative if the criteria in item d. above are met.			
2. Consideration shall be given to ensure that all required participants can attend the IEP meeting.			
a. For the parent, refer to Parent Participation, pages 11-13 of this section.			
b. For the child's teacher(s), this may include the necessity of classroom coverage to ensure his or her attendance.			
c. It is critical that the meeting be scheduled when the district representative is available.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. A notification/invitation should be sent to each required participant.	Form IEP-601❖ or copies of Forms IEP-602 and IEP-603	District representative	Invite participants early enough that they can attend
4. For an initial IEP, a member of the evaluation team, or a representative of the school district, the child's teacher, or some other person who is knowledgeable about the evaluation procedures used with the child and is familiar with the results of the evaluation must attend the IEP meeting.	Evaluation team member signature on Form IEP-607	IEP chair	
5. If the purpose of the IEP meeting is to consider transition services, the district shall also: a. Invite the student. If the student does not attend, other means shall be used to determine his or her preferences and interests. Such means might include (1) An interview with the student; or (2) Completion of appropriate evaluation instruments;	Form IEP-605	IEP chair	Invite participants early enough that they can attend
b. Invite representatives of any agencies that are likely to be responsible for providing or paying for transition services; and ❖**Note:** Although not required, the district may wish to obtain parent permission prior to inviting agency personnel to attend IEP meetings.	Form IEP-604❖ and Form CN-308	IEP chair	Invite participants early enough that they can attend
c. Take steps to ensure agency participation in transition planning. If an agency invited to send a representative to the meeting does not attend, make attempts to obtain participation in the planning of transition services via mail, phone, or conference to discuss available options prior to the student's next IEP meeting.	Written correspondence or phone records	IEP chair	Prior to IEP meeting

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❖**Denotes optional procedure/form**

SECTION: IEP/LRE

TOPIC: IEP Team: Parent Participation

FEDERAL STATUTE: 20 USC 1414(d)(1)(B) **Individualized education program team.**

(Refer to page 7 of this section for the Federal Statute.)

FEDERAL REGULATION: 34 CFR §§300.345 and 300.501

§300.345 Parent participation.

(a) *Public agency responsibility—General.* Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and
(2) Scheduling the meeting at a mutually agreed on time and place.

(b) Information provided to parents.

(1) The notice required under paragraph (a)(1) of this section must—

(i) Indicate the purpose, time, and location of the meeting and who will be in attendance; and
(ii) Inform the parents of the provisions in §300.344(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child).

(2) For a student with a disability beginning at age 14, or younger, if appropriate, the notice must also—

(i) Indicate that a purpose of the meeting will be the development of a statement of the transition services needs of the student required in §300.347(b)(1); and
(ii) Indicate that the agency will invite the student.

(3) For a student with a disability beginning at age 16, or younger, if appropriate, the notice must—

(i) Indicate that a purpose of the meeting is the consideration of needed transition services for the student required in §300.347(b)(2);
(ii) Indicate that the agency will invite the student; and
(iii) Identify any other agency that will be invited to send a representative.

(c) *Other methods to ensure parent participation.* If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) *Conducting an IEP meeting without a parent in attendance.* A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as—

(1) Detailed records of telephone calls made or attempted and the results of those calls;
(2) Copies of correspondence sent to the parents and any responses received; and
(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) *Use of interpreters or other action, as appropriate.* The public agency shall take whatever action is necessary to ensure that the parent understands the proceedings at the IEP meeting, including arranging for an interpreter for parents with deafness or whose native language is other than English.

(f) *Parent copy of child's IEP.* The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

FEDERAL REGULATION: (Continued)

§300.501 Opportunity to examine records; parent participation in meetings.

(c) *Parent involvement in placement decisions.*

(1) Each public agency shall ensure that the parents of each child with a disability are members of any group that makes decisions on the educational placement of their child.

(2) In implementing the requirements of paragraph (c)(1) of this section, the public agency shall use procedures consistent with the procedures described in §300.345(a) through (b)(1).

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

(4) A placement decision may be made by a group without the involvement of the parents, if the public agency is unable to obtain the parents' participation in the decision. In this case, the public agency must have a record of its attempt to ensure their involvement, including information that is consistent with the requirements of §300.345(d).

(5) The public agency shall make reasonable efforts to ensure that the parents understand, and are able to participate in, any group discussions relating to the educational placement of their child, including arranging for an interpreter for parents with deafness, or whose native language is other than English.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Contact parents by (a) conference, (b) telephone, or (c) mail, early enough so that they will have an opportunity to attend and participate in their child's IEP meeting.	Forms IEP-602, IEP-603, and CI-209	IEP chair or district representative	Invite participants early enough so that they can attend
a. Schedule the IEP meeting with parents at a mutually agreed on time and place.	Forms IEP-602, IEP-603, and CI-209	IEP chair	
b. Notify parents of—			
(1) The purpose of the IEP meeting, which may include any of the following:	Forms IEP-602, IEP-603, and CI-209	IEP chair	
(a) To discuss the results of the multifactored evaluation or reevaluation, and share other information;			
(b) To determine if the child is eligible for special education services;			
(c) To determine if special education services are, or continue to be, necessary, and determine the child's anticipated needs;			
(d) To write an IEP which includes goals and objectives to meet the child's needs;			
(e) To review the child's IEP to determine whether the annual goals for the child are being achieved;			
(f) To revise the child's IEP, as appropriate, to address any lack of expected progress toward the annual goals and in the general curriculum;			
(g) To discuss transition from early childhood to school-age programs, if the child is preschool age;			
(h) To develop a statement of transition services needs, if the child is age 14, or younger, if appropriate;			
(i) To determine the need for additional information for reevaluation purposes; and			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(j) To discuss a notice of the transfer of rights from the parent to the student if the child is age17 or has reached the age of majority; (2) The time of the IEP meeting; (3) The location of the IEP meeting; (4) Who will be in attendance at the IEP meeting; and (5) The right of both parents and school personnel to invite others to be a part of the IEP team because of their knowledge or special expertise about the child. c. The school district will invite the student to the IEP meeting. d. For a student with a disability beginning at age 16, or younger, if appropriate, indicate any other agency that will be invited to send a representative.			
2. Record all attempts to contact the parent regarding the IEP meeting. The attempts may include: a. Detailed records of telephone calls made or attempted and the results of these calls; b. Copies of correspondence sent to the parent and any responses received; and c. Detailed records of visits made to the parent's home or place of employment and the results of those visits.	Form CI-210❖	District representative or IEP chair	As contact attempts are made
3. Arrange for an interpreter or translator, if needed, for deaf or non-English speaking parents (or child).	Form PS-403	District representative or IEP chair	When need is identified
4. Take whatever action is necessary to ensure that the parent understands the proceedings at a meeting.			
5. Ensure the accessibility of the IEP meeting location.		IEP chair	As needed
❖6. Arrange for transportation, if necessary, or arrange for a different environment that is convenient to the child's parents.		IEP chair	As needed
7. Give the parent a copy of the child's IEP at no cost to the parent.	Form IEP-607	IEP chair	During or after IEP meeting
8. If the parent cannot attend, notify the parent of the results of the IEP meeting and provide a copy of the IEP.	Forms IEP-607 and IEP-608	IEP chair	

❖Denotes optional procedure/form

SECTION: IEP/LRE

TOPIC: IEP Team: Transfer of Rights (Age of Majority)

FEDERAL STATUTE: 20 USC 1414(d)(1)(A)(vii)(III) **Individualized education programs.**

(III) Beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

FEDERAL REGULATION: 34 CFR §§300.347(c) and 300.517

§300.347(c) Content of IEP.

(c) *Transfer of rights.* In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

§300.517 Transfer of parental rights at age of majority.

(a) *General.* A State may provide that, when a student with a disability reaches the age of majority under State law that applies to all students (except for a student with a disability who has been determined to be incompetent under State law)—

(1) (i) The public agency shall provide any notice required by this part to both the individual and the parents; and

(ii) All other rights accorded to parents under Part B of the Act transfer to the student; and

(2) All rights accorded to parents under Part B of the Act transfer to students who are incarcerated in an adult or juvenile, State, or local correctional institution.

(3) Whenever a State transfers rights under this part pursuant to paragraph (a)(1) or (2) of this section, the agency shall notify the individual and the parents of the transfer of rights.

(b) *Special rule.* If, under State law, a State has a mechanism to determine that a student with a disability, who has reached the age of majority under State law that applies to all children and has not been determined incompetent under State law, does not have the ability to provide informed consent with respect to his or her educational program, the State shall establish procedures for appointing the parent, or, if the parent is not available another appropriate individual, to represent the educational interests of the student throughout the student's eligibility under Part B of the Act.

[Authority 20 USC 1412(a)(8) and 1417(c)]

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
When a student reaches the age of majority, the district shall ensure that all rights, with respect to his or her educational program, transfer unless the student has been determined to be incompetent under State law.			
1. Beginning at least one year before age 18 (Ohio age of majority), school personnel will inform the child of the rights that will transfer under Part B of the Act and consistent with above Federal Regulation.		IEP chair	During IEP meeting No later than student's 17th birthday

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. The individualized education program team participants, which includes the student, will provide the student with a copy of, and information regarding Whose *IDEA* Is This? *A Resource Guide for Parents*; Parent Notice of Procedural Safeguards.	Form IEP-607 and Form PS-406	IEP chair	During IEP meeting
3. Once informed, the student will sign the statement of rights transfer on the IEP.	Signed statement on IEP Form IEP-607	IEP chair	During IEP meeting

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SECTION: IEP/LRE

TOPIC: IEP Team Responsibilities/IEP Sequential Process/IEP Content

FEDERAL STATUTE: 20 USC 1414(d)(1)(A) and 1414(d)(4) **Individualized education programs.**

1414(d)(1)(A) Definitions.—As used in this title:

Refer to page 1 of this section for the Federal Statute.

1414(d)(4) Review and revision of IEP.

(A) *In General.*—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

- (i) reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and
- (ii) revises the IEP as appropriate to address—
  - (I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;
  - (II) the results of any reevaluation conducted under this section;
  - (III) information about the child provided to, or by, the parents, as described in subsection (c)(1)(B);
  - (IV) the child's anticipated needs; or
  - (V) other matters.

FEDERAL REGULATION: 34 CFR §§300.343, 300.347(a), 300.550(b)(2), and 300.552(a)-(e)

§300.343 IEP meetings.

(a) *General.* Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with §300.342(c), an IFSP).

(b) *Initial IEPs: provision of services.*

(1) Each public agency shall ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation of a child—

- (i) The child is evaluated; and
- (ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.

(2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services.

(c) *Review and revision of IEPs.* Each public agency shall ensure that the IEP team—

(1) Reviews the child's IEP periodically, but not less than annually, to determine whether the annual goals for the child are being achieved; and

(2) Revises the IEP as appropriate to address—

- (i) Any lack of expected progress toward the annual goals described in §300.347(a), and in the general curriculum, if appropriate;
- (ii) The results of any reevaluation conducted under §300.536;
- (iii) Information about the child provided to, or by, the parents, as described in §300.533(a)(1);
- (iv) The child's anticipated needs; or
- (v) Other matters.

FEDERAL REGULATION: (Continued)

§300.347(a) Content of IEP.

(a) *General.* The IEP for each child with a disability must include—

(1) A statement of the child's present levels of educational performance, including—

(i) How the child's disability affects the child's involvement and progress in the general curriculum (i.e., the same curriculum as for nondisabled children); or
(ii) For preschool children, as appropriate, how the disability affects the child's participation in appropriate activities;

(2) A statement of measurable annual goals, including benchmarks or short-term objectives, related to—

(i) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum (i.e., the same curriculum as for nondisabled children), or for preschool children, as appropriate, to participate in appropriate activities; and
(ii) Meeting each of the child's other educational needs that result from the child's disability;

(3) A statement of the special education and related services and supplementary aids and services to be provided to the child, or on behalf of the child, and a statement of the program modifications or supports for school personnel that will be provided for the child—

(i) To advance appropriately toward attaining the annual goals;
(ii) To be involved and progress in the general curriculum in accordance with paragraph (a)(1) of this section and to participate in extracurricular and other nonacademic activities; and
(iii) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this section;

(4) An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the activities described in paragraph (a)(3) of this section;

(5) (i) A statement of any individual modifications in the administration of State or district-wide assessments of student achievement that are needed in order for the child to participate in the assessment; and
(ii) If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement of—

(A) Why that assessment is not appropriate for the child; and
(B) How the child will be assessed;

(6) The projected date for the beginning of the services and modifications described in paragraph (a)(3) of this section, and the anticipated frequency, location, and duration of those services and modifications; and

(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and
(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

§300.550(b)(2) General LRE requirements.

(b) Each public agency shall ensure—

(2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

FEDERAL REGULATION: (Continued)

300.552(a)-(e) Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that—

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and

(2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;

(b) The child's placement—

(1) Is determined at least annually;
(2) Is based on the child's IEP; and
(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

NOTE: The 1991 OSEP report to the Ohio Department of Education, Division of Special Education indicates that placement decisions must be based on the IEP; therefore, placement decisions must be determined only after the IEP is fully developed.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Prior to the development of the IEP, the team will determine if sufficient information is available to address the following special factors and additional considerations that will impact the IEP:	Form MFE-501 a-o, IEPs, and other current data	IEP team	During IEP meeting
a. For each learner with a disability whose behavior significantly interferes with the learner's or another learner's opportunity to learn, development of a plan to address behavior(s) should be considered (refer to page 37 of this section).			
b. In the case of a child with limited English proficiency, consider the language needs of the child as these needs relate to the child's IEP (refer to page 41 of this section).			
c. For a child who is blind or visually impaired, determine whether or not Braille instruction is appropriate (refer to page 43 of this section).			
d. Consider the child's communication needs. In the case of a child who is deaf or hard of hearing, consider the child's language and communication needs with peers and with professional personnel in the child's language and communication mode (refer to page 45 of this section).	Form MFE-501 a-o, IEPs, and other current data	IEP team	During IEP meeting
e. Consider whether the child requires assistive technology devices and services (refer to page 47 of this section).			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
f. Consider a physical education program to address individual needs (refer to page 51 of this section).	Form IEP-607	IEP team	During IEP meeting
g. Consider whether the child should receive extended school year services (refer to page 53 of this section).			
h. Plan the move from preschool special education to school-age special education programs and related services (refer to page 56 of this section).			
i. Develop transition services to promote movement from school to postschool activities (refer to page 58 of this section).			
j. Ensure the participation of children with disabilities in all State and district-wide testing and assessment programs, including proficiency tests, to the maximum extent appropriate (refer to page 63 of this section).			
2. The IEP Sequential Process consists of the following steps:	Form IEP-606	IEP team	During IEP meeting
a. **Step 1** **Discuss Vision: Future Planning** (refer to page 20 of this section)			
b. **Step 2** **Discuss Present Levels of Performance** (refer to page 21 of this section)			
c. **Step 3** **Identify Specialized Needs for this IEP** (refer to page 23 of this section)			
d. **Step 4** **Identify Measurable Goals, Objectives, and Assessment Procedures** (refer to page 24 of this section)			
e. **Step 5** **Identify Needed Services** (refer to page 26 of this section)			
f. **Step 6** **Determine Least Restrictive Environment (LRE)** (refer to page 29 of this section)			
Note: The IEP Sequential Process is expanded on the following pages.			
3. The IEP team will ensure that the special factors and additional considerations listed in item 1.a.-j. above are addressed in the IEP.			

SECTION: IEP/LRE

TOPIC: IEP Sequential Process (Expanded)

Step 1: Discuss Vision: Future Planning

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will discuss and develop a vision for the child in his or her school/home community that will assist in planning the child's future. Everyone has dreams for the future which guide actions, thoughts, and plans. Family and student preferences and interests are an essential part of the visioning process. 2. The IEP team will document the information on the IEP form. **Note:** The agency, teacher, or other person is not held accountable if the child does not achieve growth toward the projected vision. "Vision" is not an area subject to due process.	Form IEP-607	IEP team	During IEP meeting

SECTION: IEP/LRE

TOPIC: IEP Sequential Process (Expanded)

Step 2: Discuss Present Levels of Performance

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will review and document relevant data on the child (e.g., progress on current IEP, evaluation team report information, family and student input, interventions, assessments, observations, and special factors and additional considerations). This information provides a "picture" of the child, including student strengths and needs.	Form IEP-607	IEP team	During IEP meeting
Note: During this review, if the IEP team determines that additional information is needed: a. The team will indicate what additional information is needed and submit it to individuals responsible for evaluation planning; b. **Stop the meeting** so that the needed information can be obtained; and c. Reconvene the meeting once all requested information is gathered.	Form MFE-501 a-o and other information	IEP team	During IEP meeting
2. In reviewing the relevant data and determining the child's present levels of educational performance, the evaluation data reviewed during an IEP meeting must accurately reflect a child's present levels of performance in the areas directly related to the child's educational needs. a. Consider how the child's disability affects the child's involvement and progress in the general curriculum, or for preschool children, how the disability affects the child's participation in age-appropriate activities. b. Consider the strengths and interests of the child and the input of the parents for enhancing the education of their child. c. For an initial evaluation, the evaluation team members will review the evaluation team report, whether it is based on the traditional multifactored evaluation or the intervention-based multifactored evaluation. d. For an annual review, the current IEP will be reviewed to determine whether the annual goals and short-term instructional objectives for the child are being achieved, as well as current assessment data.	Form MFE-501 a-o, other information, and Form IEP-607	IEP team	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. Based on this review, identify and document present levels of educational performance, which should:	Form IEP-607	IEP team	During IEP meeting
a. Accurately describe the effect of the child's disability on the child's involvement and progress in the general curriculum;			
b. Describe how the child's performance is similar to or differs from that of typically developing children and how these differences including strengths, interests, and needs impact educational performance, progress in the general curriculum, or for the preschool child, participation in age-appropriate activities; and	Form IEP-607	IEP team	During IEP meeting
c. Address the child's unique needs that impede the child's ability to make meaningful progress in the general curriculum.			
4. In the development of present levels of performance, any test scores that are pertinent to the child's disability might be included, where appropriate.			
a. Test scores should be self-explanatory (i.e., they can be interpreted by all participants without the use of test manuals or other aids), or should include an explanation making them understandable to all participants.			
b. Test results used should reflect the impact of the disability on the child's performance. Thus, raw scores would not usually be sufficient.			
Note: In the case of reevaluation, determine whether the child has, or continues to have, a particular category of disability.			

SECTION: IEP/LRE

TOPIC: IEP Sequential Process (Expanded)

Step 3: Identify Specialized Educational Needs for this IEP

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will determine the area(s) of the child's specialized needs using the vision and present levels of educational performance. When determining these needs, the team will consider: a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate; b. The results of any reevaluation conducted; c. Information about the child provided to, or by, the parents; d. The child's anticipated needs; or e. Other matters.	Form IEP-607	IEP team	During IEP meeting
2. Identify the student's special education needs as determined from evaluation and assessment data (including special factors and additional considerations) and present levels of performance information.			
3. Through the development of present levels of performance and student's needs, the IEP team will provide a baseline for the development of goals and objectives in each critical area of need.	Form IEP-607	IEP team	During IEP meeting

SECTION: IEP/LRE

TOPIC: IEP Sequential Process (Expanded)

Step 4: Identify Measurable Goals, Objectives, and Assessment Procedures

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will develop measurable annual goals and objectives or benchmarks, with accompanying assessment procedures, which enable the child, to the extent appropriate, to be involved with and progress in the general curriculum and to determine what services are necessary to meet the child's needs.	Form IEP-607	IEP team	During IEP meeting
a. The measurable **annual goals** outlined on the child's IEP are statements related to (1) Meeting the child's needs that result from the child's disability to enable the child to be involved in and progress in the general curriculum; (2) Meeting each of the child's other educational needs that result from the child's disability; (3) The measurable annual goals describing what a child with a disability can reasonably be expected to accomplish when receiving special education and related services within a 12-month period; and (4) A direct relationship between the annual goals and the child's identified needs for which baseline data have been collected.	Form IEP-607	IEP team	During IEP meeting
b. **Short-term instructional objectives or benchmarks** (also called IEP objectives) are measurable, intermediate steps to reach annual goals. These objectives are developed, based on a logical breakdown of the components of the annual goals.			
Note: The IEP team must develop either measurable, intermediate steps **(short-term objectives)** or major milestones **(benchmarks)** that will enable parents, students, and educators to monitor progress during the year, and, if appropriate, to revise the IEP consistent with the student's instructional needs.			
c. **Assessment of student progress** should include procedures of evaluation, criteria for achievement, schedule of when the review will be, and who is responsible for the review and evaluation. (1) Procedures—How objectives/benchmarks will be measured (i.e., observations, assessments, where—one or multiple environments)?	Form IEP-607	IEP team	During IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(2) Who—Who is responsible for monitoring the measurement (i.e., special education teacher, general education teacher, related services personnel, parent)? (3) Criteria—What is the expectation for the student? How many times? At what level? What will be acceptable as mastery? (4) Schedule—When will each objective be reviewed (daily, weekly, end of grading period)? (5) Progress—What are the results of the student's progress toward meeting the annual goals? d. When and how parents will be informed of progress should be clearly stated (refer to page 70 of this section).	Form IEP-607	IEP team	During IEP meeting
2. The IEP team will revise the IEP as appropriate to address: a. Any lack of expected progress toward the annual goals and in the general curriculum, where appropriate; b. The results of any reevaluation conducted; c. Information about the child provided to, or by, the parents; d. The child's anticipated needs; or e. Other matters.	Form IEP-607	IEP team	During IEP meeting

SECTION: IEP/LRE

TOPIC: IEP Sequential Process (Expanded)

Step 5: Identify Needed Services

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team decides what special education and related services, as well as the amount of service(s) that will be necessary to implement the goal(s). This statement also includes the supplementary aids and services to be provided to the child, or on behalf of the child. Accommodations/ modifications/assistive devices and statement of program modifications or supports for school personnel needed for the child to progress within the general curriculum and to participate in extracurricular and other nonacademic activities must also be included.	Form IEP-607	IEP team	During IEP meeting
a. The IEP team must determine the services that will enable the child: (1) To advance appropriately toward attaining the annual goals; (2) To be involved in and progress in the general curriculum in accordance with the present levels of performance and to participate in extracurricular and other nonacademic activities; and (3) To be educated and participate with other children with disabilities and nondisabled children in the activities described in this paragraph.	Form IEP-607	IEP team	During IEP meeting
2. The IEP team determines the nature and degree of special education services to be delivered to a child with a disability.			
a. The IEP team decides what special education service(s) should be provided.			
b. The IEP team decides the appropriateness of special education services in meeting the child's individual needs.			
c. The IEP team ensures that a full range of services is available to effectively meet the unique and educational needs of each child with a disability regardless of the environment(s) where the child is served. These services, which shall be indicated on the IEP, include: (1) Instructional services; (2) Related services; (3) Supplementary aids and services, including assistive technology services; and/or (4) Consultative services.	Form IEP-607	IEP team	During IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. The IEP team ensures that services listed in item c. above may be provided through any one or combination of the following instructional groupings: (1) Large-group instruction; (2) Small-group instruction; and (3) Individual instruction.			
e. The amount of services to be provided must be stated in the IEP, so that the level of the district's commitment of resources will be clear to parents and other IEP team members. The amount of time to be committed to the provision of each of the various services must be: (1) Appropriate for that specific service; and (2) Stated in the IEP in a manner that is clear to all who are involved in both the development and implementation of the IEP, indicating the— (a) Amount of time (e.g., minutes, hours, periods); and (b) Frequency of the service (e.g., daily, weekly, monthly).			
f. The date on which services will be initiated, as well as the anticipated duration of services will be specified on the IEP. (1) The IEP team determines when services will begin and indicates this on the IEP in the "Initiation" column. **Note:** Services must start without undue delay. (2) In general, the anticipated duration of services would be up to 12 months. There is direct relationship between the anticipated duration of services and the other parts of the IEP, and each part of the IEP would be addressed whenever there is a review of the child's program.			
3. There must be a direct relationship between the present levels of educational performance and the other components of the IEP, including: (a) Goals and short-term instructional objectives; and (b) The specific special education and related services to be provided to the child. **Note:** The amount of a special education or related service to be provided to a child may be stated in the IEP as a range (e.g., speech therapy to be provided three times per week for 30-45 minutes per session) only if the IEP team determines that stating the amount of services as a range is necessary to meet the unique needs of the child.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Note: OSEP Clarification Any modifications to the regular educational program (i.e., supplementary aids and services that the IEP team determines that the child needs to facilitate the child's placement in the regular educational environment) must be described in the child's IEP and must be provided to the child.			

Additional Resources:

Ohio Department of Education, Division of Special Education. (January 1993). *Summary of the United States Department of Education, office of special education programs (OSEP): Final monitoring report, 1991 review of the Ohio Department of Education.* Columbus, OH: Author.

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SECTION: IEP/LRE

TOPIC: IEP Sequential Process (Expanded)

Step 6: Determine Least Restrictive Environment (LRE)

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Each child's placement is presumed first to be the general education environment. If the team determines that a different setting is needed for any service delivery, the IEP team will provide an explanation of the extent, if any, to which the child is not participating with nondisabled children.			
a. After determining the services to be delivered to the child, the IEP team will determine the least restrictive environment in which those services should be delivered so that each goal and accompanying objective may be achieved.	Form IEP-607	IEP team	During IEP meeting
b. The child with a disability participates with nondisabled children in those services and activities, including meals, recess periods, and other services to the maximum extent appropriate to the child.			
2. The IEP team determines the least restrictive environment where each special education service can be delivered to appropriately meet the educational needs of the child. Restrictiveness refers to the degree to which children with disabilities are educated with children who are not disabled.	Form IEP-607	IEP team	During IEP meeting
Note: Special classes, separate schooling, or other removal of the child with a disability occurs only when the nature or severity of the disability is such that education in regular classes, with the use of supplementary aids and services, cannot be achieved satisfactorily.			
Note: While determinations of what supplementary aids and services are appropriate for a particular child must be made on an individual basis, some supplementary aids and services that educators have used successfully include modifications to the regular class curriculum, assistance of a teacher with special education training, special education training for the regular education teacher, the use of computer-assisted devices, and the provision of note takers, to mention a few.			
Example: A child who has a special education service, such as an instructional aide or interpreter, may not need to be removed from the regular education environment.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. In providing special education services in the regular education environment, modifications may be necessary. If modifications are necessary to enable the child to be educated satisfactorily in the regular education environment, the modifications will be included in the child's IEP. **Example:** A child may require tests to be read orally, textbooks/stories to be provided on audio/tape, or another student to take notes.	Form IEP-607	IEP team	During IEP meeting
4. If it is determined that the educational needs of the child cannot be achieved satisfactorily in the regular education environment, even with the use of supplementary aids and services, the IEP team shall determine the least restrictive environment(s) in which to deliver services to implement the child's goals and accompanying objectives. Include an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular education environment, including extracurricular and nonacademic activities.	Form IEP-607	IEP team	During IEP meeting
5. A continuum of alternative placements is available to the extent necessary to implement the IEP of each child with a disability, from the least restrictive environment (i.e., an environment where children with disabilities and children without disabilities are served together) to the most restrictive environment (i.e., an environment where there are no interactions between children with disabilities and children without disabilities). a. For children below age six, the home environment may be considered the most natural and appropriate environment. Itinerant services may be delivered in the above environment. b. For children below age six, this may include service delivery in: (1) An early childhood setting; (2) Part-time early childhood setting and part-time early childhood special education setting; (3) Reverse mainstreaming setting; (4) Early childhood special education setting; (5) Itinerant service outside the home; (6) Separate school; and (7) Residential facility. c. For children in school-age programs, the continuum of alternative placements may include: (1) Regular class; (2) Special class; (3) Special school; (4) Home instruction; (5) Instruction in hospitals and institutions; (6) Other appropriate environments; and (7) Provision for supplementary services (e.g., resource room, itinerant instruction) to be provided in conjunction with regular class placement.		Superintendent	

SECTION: IEP/LRE

TOPIC: LRE—Continuum of Alternative Placements

FEDERAL STATUTE: 20 USC 1412(a)(5)(A) **Least restrictive environment.**

(A) *In General.*—To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

FEDERAL REGULATION: 34 CFR §§300.130 and 300.550

§300.130 Least restrictive environment.

(a) *General.* The State must have on file with the Secretary procedures that ensure that the requirements of §§300.550-300.556 are met, including the provision in §300.551 requiring a continuum of alternative placements to meet the unique needs of each child with a disability.

(b) *Additional requirement.*

(1) If the State uses a funding mechanism by which the State distributes State funds on the basis of the type of setting where a child is served, the funding mechanism may not result in placements that violate the requirements of paragraph (a) of this section.

(2) If the State does not have policies and procedures to ensure compliance with paragraph (b)(1) of this section, the State must provide the Secretary an assurance that the State will revise the funding mechanism as soon as feasible to ensure that the mechanism does not result in placements that violate that paragraph.

§300.550 General LRE requirements.

(a) Except as provided in §300.311(b) and (c), a State shall demonstrate to the satisfaction of the Secretary that the State has in effect policies and procedures to ensure that it meets the requirements of §§ 300.550-300.556.

(b) Each public agency shall ensure—

(1) That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(2) That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

STATE RULE:

Each school district shall develop and implement written procedures, which ensure that

When providing the least restrictive environment for a child with a disability, which may include full- or part-time placement in a regular class, it is the responsibility of an agency representative such as the building principal or some other person designated by the superintendent to coordinate the planning between the special education and regular education teachers and to supervise the implementation.

FEDERAL REGULATION: 34 CFR §§300.300(a)(3)(ii), 300.551, and 300.552

§300.300(a)(3)(ii) Provision of FAPE.

(ii) The services and placement needed by each child with a disability to receive FAPE must be based on the child's unique needs and not on the child's disability.

FEDERAL REGULATION: (Continued)

§300.551 Continuum of alternative placements.

(a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

§300.552 Placements.

In determining the educational placement of a child with a disability, including a preschool child with a disability, each public agency shall ensure that—

(a) The placement decision—

(1) Is made by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options; and
(2) Is made in conformity with the LRE provisions of this subpart, including §§300.550-300.554;

(b) The child's placement—

(1) Is determined at least annually;
(2) Is based on the child's IEP; and
(3) Is as close as possible to the child's home;

(c) Unless the IEP of a child with a disability requires some other arrangement, the child is educated in the school that he or she would attend if nondisabled;

(d) In selecting the LRE, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs; and

(e) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The district will follow all IEP/LRE procedures, specifically the IEP Sequence, Steps 1 through 6 (refer to pages 20-30 of this section).	Form IEP-607	Superintendent or designee and IEP team	At initiation of services and on an ongoing basis
2. The IEP team will determine the least restrictive environment in which to deliver each service (refer to Step 6 of the IEP Sequence, pages 29 and 30).	Form IEP-607	IEP team	During IEP meeting
3. If the IEP team determines that services cannot be provided in the regular education environment, a continuum of environments must be available to meet the child's needs. Placement must be based on the unique needs of the child, not on the child's disability.	Form IEP-607		

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PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. A continuum of alternative placements is available to the extent necessary to implement the IEP of each child with a disability, from the least restrictive environment (i.e., an environment where children with disabilities and children without disabilities are served together) to the most restrictive environment (i.e., an environment where there are no interactions between children with disabilities and children without disabilities). a. For children below age six, this may include service delivery in: (1) An early childhood setting; (2) Early childhood special education setting; (3) Part-time early childhood setting and part-time early childhood special education setting; (4) Residential facility; (5) Separate school; (6) Itinerant service outside the home; and (7) Reverse mainstreaming setting.			
b. For children below age six, the home environment may be considered the most natural and appropriate environment. Itinerant services may be delivered in the environments identified in item 4.a. above. The requirements of §300.552, as well as the other requirements of §§300.550-330.556, apply to all preschool children with disabilities who are entitled to receive FAPE. Public agencies that provide preschool programs for nondisabled preschool children must ensure that the requirements of §300.552(c) are met. Public agencies that do not operate programs for nondisabled preschool children are not required to initiate those programs solely to satisfy the requirements regarding placement in the LRE embodied in §§300.550-300.556. For these pubic agencies, some alternative methods for meeting the requirements of §§300.550-300.556 include: (1) Providing opportunities for the participation (even part-time) of preschool children with disabilities in other preschool programs operated by public agencies (such as Head Start); (2) Placing children with disabilities in private school programs for nondisabled preschool children or private school preschool programs that integrate children with disabilities and nondisabled children; and (3) Locating classes for preschool children with disabilities in regular elementary schools.	Form IEP-607	IEP team	During IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. For children in school-age programs, the continuum of environments include: (1) Regular class; (2) Special class; (3) Special school; (4) Home instruction; (5) Instruction in hospitals and institutions; (6) Other appropriate environments; and (7) Provision for supplementary services (e.g., resource room, itinerant instruction) to be provided in conjunction with regular class placement. **Note:** Home instruction is usually appropriate for only a limited number of children who are not able to participate in a school setting with other children, as determined by the IEP team.	Form IEP-607	IEP team	During IEP meeting
5. In selecting the least restrictive environment, consideration is given to any potential harmful effect on the child, or on the quality of services that he or she needs.	Form IEP-607	IEP team	During IEP meeting
6. When providing services in the least restrictive environment to a child with a disability, which may include full or part-time placement in a regular class, it is the responsibility of a district representative, such as the building principal or some other person designated by the superintendent, to coordinate the planning between the special education and regular education teachers and to supervise the implementation.	Form IEP-607	Building principal	
7. Regular education personnel are required to provide children with a disability with those educational program modifications provided to nondisabled children.	Periodic review of IEP and Form IEP-607	Principal or superintendent designee	
8. When considering additional time in the regular education environment, additional time in a different environment, or discontinuation of special education and related services, the classroom teacher or other professional staff member follows the procedures for conducting a review of the IEP.	Form IEP-607	Building principal	As necessary
Services			
9. The district must annually submit an assurance form to the Ohio Department of Education, Division of Special Education, as required by the most current memorandum, September 22, 1999, addressing the delivery of services to students with disabilities.	Submission of assurance form	Superintendent	Annually

Additional Resources:

- Ohio Department of Education. (1982). *Least restrictive environment.* Columbus, OH: Author.
- Ohio Department of Education. (September 3, 1993). *Ohio corrective actions in response to special education compliance monitoring report from the United States Department of Education.* Columbus, OH: Author.

Related Forms:

Form IEP-606 (IEP Sequence)

SECTION: IEP/LRE

TOPIC: LRE—Nonacademic/Extracurricular Activities

FEDERAL STATUTE: 20 USC 1412(a)(5)(A) **Least restrictive environment.**

Refer to page 31 of this section for the Federal Statue.

FEDERAL REGULATION: 34 CFR§§300.305, 300.306, and 300.553

§300.305 Program options.

Each public agency shall take steps to ensure that its children with disabilities have available to them the variety of educational programs and services available to nondisabled children in the area served by the agency, including art, music, industrial arts, consumer and homemaking education, and vocational education.

§300.306 Nonacademic services.

(a) Each public agency shall take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities.

(b) Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available.

§300.553 Nonacademic settings.

In providing or arranging for the provision of nonacademic and extracurricular services and activities, including meals, recess periods, and the services and activities set forth in §300.306, each public agency shall ensure that each child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of that child.

STATE RULE:

Preschool program.

Alternative service delivery options shall be available which may include:

(1) Itinerant services which may be delivered in the home environment or to a child attending a preschool/kindergarten program administered by a public school or a child attending a community-based preschool/kindergarten or child-care program that meets the requirements of Chapter 5104 of the Revised Code and where a qualified preschool staff member is assigned to the child; and

(2) Special class located in an integrated or separate facility.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A child with a disability is maintained in, or integrated into, a regular class based upon the extent of participation as specified on the student's individualized education program (IEP) and a determination that the child's educational needs can be met in the regular educational environment (refer to Step 6 of the IEP Sequence, pages 29 and 30 of this section).	Form IEP-607	IEP team	During IEP meeting
2. All special education and related services for children with disabilities identified in the IEP are provided.	Periodic review of IEP	Superintendent or designee	Upon placement

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. The educational placement of each child with a disability is: a. Determined at least annually; b. Based on his or her individualized education program; and c. As close as possible to home and, unless the IEP requires another arrangement, the child is educated in the school that he or she would attend if not disabled.	Annual Review of Form IEP-607	IEP team	During IEP meeting
4. The school district and/or public agency ensures that children with a disability are afforded an equal opportunity for participation in nonacademic and extracurricular activities with nondisabled children to the maximum extent appropriate to the child.	Record participation on Form IEP-607	IEP team	
5. The school district shall a. Take steps to provide nonacademic and extracurricular services and activities in the manner necessary to afford children with disabilities an equal opportunity for participation in those services and activities. b. Nonacademic and extracurricular services and activities may include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the school district, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the school district and assistance in making outside employment available.	Form IEP-607	IEP team	During IEP meeting

Additional Resources:

- Ohio Department of Education. (1982). *Least restrictive environment.* Columbus, OH: Author.
- Ohio Department of Education. (September 3, 1993). *Ohio corrective actions in response to special education compliance monitoring report from the United States Department of Education.* Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Behavior Considerations

FEDERAL STATUTE: 20 USC 1414(d)(3)(B)(i) **Development of IEP, consideration of special factors.**

The IEP Team shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior.

FEDERAL REGULATION: 34 CFR §300.346 **Development, review, and revision of IEP.**

(a) *Development of IEP.*

(2) *Consideration of special factors.* The IEP team also shall—

(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, if appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior;...

STATE RULE:

Am.Sub. S.B. No.55 (Sec. 3313.534).

"No later than July 1, 1998, the board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy, and establish strategies to address such behavior that range from prevention to intervention."

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. For each child whose behavior impedes his or her learning or that of others, consider strategies, including positive behavioral interventions and supports, to address that behavior as part of the IEP process. a. The child's behavior is described in the present levels of performance, and, if behavior is identified as a need, then the need(s) will be clearly documented in the "Student's Needs" column with appropriate baseline data. b. The IEP team develops behavior goals and objectives, based on a review of the present levels of performance. c. The IEP team then documents the strategies, including positive behavioral interventions and supports to address that behavior, which are necessary to implement behavior goals and objectives in the "Services" column. **Note:** Completion of items 1.a., b., and c. meets the requirements of the law, in that the IEP addresses behavior. ❖(1) The IEP team may wish to develop a behavior intervention plan (BIP) in order to expand the "Services" column with specific strategies as part of the IEP meeting.	Form IEP-607	IEP team	At the IEP meeting

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
❖(2) A behavior intervention plan may also be developed after the IEP conference by those persons responsible for implementing the behavior goals and objectives as identified on the IEP.			
Note: If the behavior intervention plan is not developed at the IEP conference, and is not part of the IEP, then it may be revised without an IEP conference. However, parents should be involved.	Appendix F❖		
In developing a behavior intervention plan, follow the problem-solving process in Appendix F❖.			

❖**Denotes optional procedure/form**

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Behavior Considerations—Crisis Intervention Plan

STATE RULE:

* There should be a plan on file and in operation in the school district to provide appropriate classroom management and crisis intervention support to the special class/learning center teacher. Included in the plan shall be the following:

(1) Identification of classrooms;
(2) Name of the administrator or supervisor responsible for the plan;
(3) Titles of personnel providing classroom management support to the teacher;
(4) Titles of building personnel assisting the teacher with crisis intervention (the assigned person shall not have the primary responsibility of instructing children. For multiple units of severe behavior handicapped children, the plan shall designate procedures for utilizing personnel for intervention in the event of more than one unit simultaneously needing assistance); and
(5) A description of the role/function of the personnel assisting the teacher.

A copy of the plan shall be provided to all personnel involved. The plan shall be evaluated at least annually and a written evaluation report shall be on file.

In the absence of a plan, the school district shall employ at least one full-time aide in each special class/learning center.

* *Applies only to children with emotional disturbance.*

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Crisis Intervention Plan (Required only for classrooms of students who are emotionally disturbed, in lieu of an instructional aide.) 1. School personnel will design and implement a crisis intervention plan for classrooms that have children with emotional disturbance, and do not have an instructional aide. 2. If information indicates that crisis intervention may be required, a written crisis intervention plan must be on file and in operation to provide support to teachers and ensure a safe learning environment. Anytime a new risk is identified, the plan must be reviewed and, if necessary, modified to minimize risks. 3. A crisis intervention plan consists of the following: a. Location of classrooms in a building where children with identified behavior challenges are instructed; b. The name of the person responsible for the plan; c. Titles of personnel who can provide classroom management support to the teacher;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. Titles of building personnel who will assist the teacher in crisis intervention. (1) Assigned personnel should not have a primary responsibility of instructing children, whenever possible. (2) In the event that there may be several students in a building for whom behavior is a concern, the plan should also address procedures for assigning personnel and dealing with simultaneous incidents; and e. The role and functions of personnel assisting the teacher during a crisis. 4. School personnel involved in implementing the plan will be given a copy of the plan. 5. The plan will be evaluated annually, in writing, as to its effectiveness, and modified as needed.			

SECTION: - IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Limited English Proficiency

FEDERAL STATUTE: 20 USC 1414(d)(3)(B)(ii) **Consideration of special factors.**

The IEP Team shall—

(ii) In the case of a child with limited English proficiency, consider the language needs of the child as such needs relate to the child's IEP.

FEDERAL REGULATION: 34 CFR §300.346(a)(2)(ii) **Consideration of special factors.**

Federal Regulation language and Federal Statute are the same.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. In developing an IEP for a child with limited English proficiency (LEP), the IEP team must consider how the child's level of English language proficiency affects special education and related services that the child needs in order to receive Free Appropriate Public Education (FAPE).	Form IEP-607		
a. A LEP student with a disability may require special education and related services for those aspects of the educational program which address the development of English language skills and other aspects of the student's educational program.			
b. For a LEP student with a disability, the IEP must address whether the special education and related services that the child needs will be provided in a language other than English.			
2. The IEP team shall:			
a. Assure that assessment information is available regarding the student's English language proficiencies (e.g., listening, speaking, reading, and writing), native language proficiencies, cultural background, and prior academic experiences;	Form MFE-501 a-o		
b. Describe alternative/supplemental educational support that has been provided to date by specially trained teachers to meet the assessed language needs of the LEP student;	Form MFE-501 a-o, Form CI-204 or CI-205, and Form CI-207❖		
c. Consider including English as a second language (ESL) and/or bilingual education teachers as members of the IEP team;	Form IEP-601❖ or copy of Form IEP-602 or IEP-603		
d. Assure that parents/guardians of the LEP students participate effectively in the IEP development process;			
e. Determine what language is appropriate for the provision of special education and related services; and			

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
f. Determine how special education services will be coordinated with services to be provided by the ESL and/or special education staff. **Note:** Under Title VI of the Civil Rights Act of 1964, school districts are required to provide LEP students with alternative language services to enable the student to acquire proficiency in English and to provide the student with meaningful access to the content of the educational curriculum that is available to all students, including special education and related services.			

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Visual Impairments/Braille Services

FEDERAL STATUTE: 20 USC 1414 (d)(3)(B)(iii) **Consideration of special factors.**

The IEP Team shall—

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.

FEDERAL REGULATION: 34 CFR §300.346(a)(2)(iii) **Consideration of special factors.**

The IEP Team shall—

(iii) In the case of a child who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP team determines, after an evaluation of the child's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child.

OHIO REVISED CODE: Section 3323.011

(A) The individualized education program required for any student with a visual disability under this chapter shall include the following, in addition to the statements required pursuant to division (E) of section 3323.01 of the Revised Code:

(1) A statement that instruction in Braille reading and writing was carefully considered for the student and that pertinent literature describing the educational benefits of instruction in Braille reading and writing was reviewed by the persons developing the student's individualized education program;

(2) A statement specifying the one or more reading and writing media in which instruction is appropriate for the student's educational needs;

(3) If instruction in Braille reading and writing is specified as appropriate for the student pursuant to division (A)(2) of this section, a statement of the instruction in Braille reading and writing that is to be provided to the student. This statement shall specify the date on which the instruction is to commence, the frequency and duration of instruction sessions, the level of competency in Braille reading and writing expected to be achieved annually, and the objective assessment measures to be used. Whenever appropriate, the expected level of Braille competency for the student shall be to enable the student to communicate effectively and efficiently with the same level of proficiency expected of the student's peers of comparable ability and grade level and the instruction in Braille reading and writing that is to be provided shall be designed accordingly.

(B) If the individualized education program for any student with a visual disability does not specify instruction in Braille reading and writing as appropriate for the student pursuant to division (A)(2) of this section, each annual review of that student's individualized education program, as provided pursuant to division (C) of section 3323.08 of the Revised Code, shall include a written statement specifying the reasons why instruction in Braille reading and writing is not appropriate for the student.

(C) (1) No student with a visual disability shall be denied instruction in Braille reading and writing pursuant to this section solely because the student has some remaining vision or because the student is to receive reading and writing instruction in another medium.

(2) Nothing in this section shall be construed to require the exclusive use of instruction through the medium of Braille reading and writing if other reading and writing media are appropriate to a student's educational needs.

(D) An instruction in Braille reading and writing provided to any student with a visual disability pursuant to division (A)(3) of this section shall be provided by a teacher licensed to teach students with visual disabilities.

STATE LAW: Amended Substitute House Bill Number 164 - - Ohio's Braille Bill

"Visual impairment including blindness" means an impairment in vision determined through an eye examination, including assessment of low vision, by an appropriate vision specialist, which has an adverse effect upon the child's educational performance and is evidenced through one of the following:

(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than 20 degrees, or

(2) The individual has a medically indicated expectation of meeting the requirements of (1) of this paragraph over a period of time, or

(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. If the IEP team determines that Braille instruction is appropriate for a child with a visual impairment, the IEP should specify that:	Form IEP-607	IEP team	During IEP meeting
a. Pertinent literature was reviewed;	Form IEP-607		
b. The child's instruction shall be provided through Braille when that medium is determined appropriate for the child; and			
c. Braille reading and writing will be incorporated into the child's entire curriculum.			
2. If the IEP team determines that a child who has a visual impairment does not require Braille instruction, then the IEP should specify that:	Form IEP-607	IEP team	During IEP meeting
a. Instruction in Braille reading and writing was considered for the child, and the reason(s) why Braille was not found to be appropriate;	Form IEP-607		
b. Pertinent literature was reviewed;			
c. The alternative reading and writing media included in the child's IEP are appropriate to use in meeting his or her individual needs; and			
d. The child will be assessed annually to determine if he or she still functions adequately without the use of Braille.			

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Communication

FEDERAL STATUTE: 20 USC 1414(d)(3)(B)(iv) **Consideration of special factors.**

The IEP Team shall—

(iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.

FEDERAL REGULATION: 34 CFR §300.346(a)(2)(iv) **Consideration of special factors.**

Federal Regulation language and Federal Statute language are the same.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The Individualized Education Program (IEP) team shall consider the communication needs of the child. **Note:** Communication modalities include listening, speaking, reading, and writing, as well as communication forms, both verbal and nonverbal.	Form IEP-607	IEP team	During the IEP meeting
2. If it is determined that communication needs are incorporated into the IEP, then the IEP team shall: a. Include communication concerns in the present levels of performance; b. Address communication needs in goals and objectives; c. Identify any support and services/resources needed to implement the IEP goals and objectives with regard to the child's communication needs (e.g., aide services, manual communication, speech pathology, augmentative communication/assistive technology, interpreter/facilitator professional development activities); and d. Determine the least restrictive environment (LRE) setting in which to deliver the service(s).	Form IEP-607	IEP team	During the IEP meeting
3. In the case of a child who is deaf or hard of hearing, the IEP team shall: a. Identify the primary language of the child (refer to page 41 of this section); b. Address communication concerns in the present levels of performance; and	Form IEP-607	IEP team	During the IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Identify support services/resources needed to support the child's communication needs that may include, but not be limited to sign language interpreter, assistive technology, transition for independent living skills, professional development activities, and audiological services.			
4. The IEP team will determine, for a child with a hearing impairment, whether or not interpreting is necessary for the child to receive a free appropriate public education. If it is determined that interpreting is appropriate for a child with a hearing impairment, the IEP should contain the following:	IEP review	IEP team	Upon placement
a. A statement, by the interpreter, as to the language or communication mode to be used with the child, whether American Sign Language (ASL), a manual English system, cued speech, fingerspelling, or oral interpreting;	IEP review	IEP team	Annually, during IEP meeting
b. A statement as to the extent interpreting will be used for various activities, such as person-to-person communication, group communication, and media presentations; and			
c. If applicable, a statement as to the extent interpreting will be used for written materials.			
Note: The language or communication mode of the child must be the one used by the interpreter.			

Additional Resources:

- Ohio Department of Education (1995). *The individualized education program (IEP): A road map to success.* Columbus, OH: Author.
- Ohio Department of Education. (1991). *Ohio handbook for the identification, evaluation, and placement of children with language problems.* Columbus, Ohio: Author.
- Ohio Department of Education. (1995). *The individualized education program (IEP): A tour book for the journey.* Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Assistive Technology Devices and Services/Hearing Aids

FEDERAL STATUTE: 20 USC 1414(d)(3)(B)(v), 1401(2), and 1412(a)(12)(B)

1414(d)(3)(B)(v) Consideration of special factors.

The IEP Team shall—

(v) Consider whether the child requires assistive technology devices and services.

1401(2) Assistive technology service.

The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) the evaluation of the needs of such child, including a functional evaluation of the child in the child's customary environment;

(B) purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by such child;

(C) selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;

(D) coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(E) training or technical assistance for such child, or, where appropriate, the family of such child; and

(F) training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of such child.

1412(a)(12)(B) Obligation of public agency.

(i) *In General.* If any public agency other than an educational agency is otherwise obligated under Federal or State law, or assigned responsibility under State policy or pursuant to subparagraph (A), to provide or pay for any services that are also considered special education or related services (such as, but not limited to, services described in sections 602(1) relating to assistive technology devices, 602(2) relating to assistive technology services, 602(22) relating to related services, 602(29) relating to supplementary aids and services, and 602(30) relating to transition services) that are necessary for ensuring a free appropriate public education to children with disabilities within the State, such public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangement.

(ii) *Reimbursement for services by public agency.* If a public agency other than an educational agency fails to provide or pay for the special education and related services described in clause (i), the local educational agency (or State agency responsible for developing the child's IEP) shall provide or pay for such services to the child. Such local educational agency or State agency may then claim reimbursement for the services from the public agency that failed to provide or pay for such services and such public agency shall reimburse the local educational agency or State agency pursuant to the terms of the interagency agreement or other mechanism described in subparagraph (A)(i) according to the procedures established in such agreement pursuant to subparagraph (A)(ii).

FEDERAL REGULATION: 34 CFR §§300.6, 300.303, 300.308, and §300.346(a)(2)(v)

§300.6 Assistive technology service.

As used in this part, Assistive technology service means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

FEDERAL REGULATION: (Continued)

§300.6 Assistive technology service. (Continued)

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of that child.

§300.303 Proper functioning of hearing aids.

Each public agency shall ensure that the hearing aids worn in school by children with hearing impairments, including deafness, are functioning properly.

§300.308 Assistive technology.

(a) Each public agency shall ensure that assistive technology devices or assistive technology services, or both, as those terms are defined in §§300.5-300.6, are made available to a child with a disability if required as a part of the child's—

(1) Special education under §300.26;
(2) Related services under §300.24; or
(3) Supplementary aids and services under §§ 300.28 and 300.550(b)(2).

(b) On a case-by-case basis, the use of school-purchased assistive technology devices in a child's home or in other settings is required if the child's IEP team determines that the child needs access to those devices in order to receive FAPE.

§300.346(a)(2)(v) Consideration of Special Factors.

Federal Regulation language and Federal Statute are the same.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The district must consider the assistive technology needs for every student with an individualized education program (IEP).	Form IEP-607	IEP team	
2. Consideration of a child's assistive technology needs is accomplished by conducting the following activities:	Form MFE-501 a-o	MFE team	
a. Obtaining parent input and any permission needed for assessment/evaluation;			
b. Evaluating student(s) abilities in relation to expectations of the instructional environment as part of the MFE and the role of assistive technology in reaching those expectations;			
c. As part of the MFE, utilizing data gathered through the intervention/evaluation process to determine whether or not assistive technology is necessary. This determination may result in one of the following: (1) Assistive technology will be required, (2) Further assessment will be required, (3) Assistive technology will not be required, or (4) The team does not have sufficient knowledge in the area of assistive technology to make a determination;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. Conducting, if necessary, an evaluation to determine appropriateness of specific assistive technology devices and services as part of the MFE; and			
e. Documenting on the IEP the determination to provide or not to provide assistive technology devices and services.			
3. If it is determined that assistive technology is necessary, the IEP team shall:	Form IEP-607		
a. Include assistive technology strengths and concerns in the present levels of performance;			
b. Address assistive technology needs in goals and objectives, as appropriate;			
c. Identify services and resources needed to support the child's assistive technology needs; and			
d. Determine the least restrictive environment (LRE) setting in which to deliver the service(s).			
4. If it is determined that assistive technology is necessary as the child's special education program as a related service or as a supplementary aid or service, the district shall, as appropriate and determined by the IEP team	Form IEP-607		
a. Ensure that these devices and services are made available to the child throughout the service delivery process in a child's home and in other educational settings, as determined appropriate by the IEP team;			
b. Provide training or technical assistance to the child, the child's family, and instructional staff, as appropriate;			
c. Provide training or technical assistance to appropriate school personnel;			
d. Maintain, repair, and replace the assistive technology devices as necessary; and			
e. Coordinate with other educational, health, and social service agencies to provide assistive technology devices and to deliver assistive technology services.			
5. If the team does not have the knowledge required to determine appropriateness of assistive technology devices and services, the district shall procure knowledgeable resources from outside of the district to address assistive technology for the child.			
6. Designated school district personnel will examine the hearing aids and other assistive listening devices worn by children with hearing impairments.	Notes or examination record	Superintendent's designee	Daily

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
7. The school district will ensure that the hearing aids or other assistive listening devices worn by children with hearing impairments are functioning properly.	District-developed system chart	Superintendent's designee	

Related Appendices:

Appendix I: Assistive Technology

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Physical Education

FEDERAL STATUTE: 20 USC 1401(25)(A) and (B) **Special education, instruction in physical education.**

Special Education.— The term 'special education' means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including—

(A) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(B) instruction in physical education.

FEDERAL REGULATION: 34 CFR §300.307 **Physical education.**

(a) *General.* Physical education services, specially designed if necessary, must be made available to every child with a disability receiving FAPE.

(b) *Regular physical education.* Each child with a disability must be afforded the opportunity to participate in the regular physical education program available to nondisabled children unless—

(1) The child is enrolled full time in a separate facility; or
(2) The child needs specially designed physical education, as prescribed in the child's IEP.

(c) *Special physical education.* If specially designed physical education is prescribed in a child's IEP, the public agency responsible for the education of that child shall provide the services directly or make arrangements for those services to be provided through other public or private programs.

(d) *Education in separate facilities.* The public agency responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that the child receives appropriate physical education services in compliance with paragraphs (a) and (c) of this section.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A physical education program is provided to address individual needs specifically delineated on the IEP, and includes:	Form IEP-607	IEP team	During IEP meeting
a. Regular physical education with nondisabled children, unless—			
(1) The child is enrolled full-time in a separate facility; or			
(2) The child needs specially designed physical education, as prescribed on the IEP; and			
b. Special physical education, adapted physical education, movement education, and motor development, if determined to be necessary by the IEP team. If specially designed physical education is prescribed in a child's IEP, the school district responsible for the education of that child must provide the services directly or make arrangements for it to be provided.	Form IEP-607	IEP team and district representative	During IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. The school district responsible for the education of a child with a disability who is enrolled in a separate facility shall ensure that he or she receives physical education services.			

Additional Resources:

Ohio Department of Education. Memorandum. (September 3, 1993). *Physical education as special education.* Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Extended School Year

FEDERAL STATUTE: 20 USC 1412(a)(1)(A) **Free appropriate public education.**

In General. A free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21, inclusive, including children with disabilities who have been suspended or expelled from school.

FEDERAL REGULATION: 34 CFR §300.309 **Extended school year services.**

(a) *General.*

(1) Each public agency shall ensure that extended school year services are available as necessary to provide FAPE, consistent with paragraph (a)(2) of this section.

(2) Extended school year services must be provided only if a child's IEP team determines, on an individual basis, in accordance with §§300.340-300.350, that the services are necessary for the provision of FAPE to the child.

(3) In implementing the requirements of this section, a public agency may not—

(i) Limit extended school year services to particular categories of disability; or

(ii) Unilaterally limit the type, amount, or duration of those services.

(b) *Definition.*

As used in this section, the term *extended school year services* means special education and related services that—

(1) Are provided to a child with a disability—

(i) Beyond the normal school year of the public agency;
(ii) In accordance with the child's IEP; and
(iii) At no cost to the parents of the child; and

(2) Meet the standards of the SEA.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The provision of extended school year services to a child with a disability shall be determined on an individual basis, based upon the judgment and decision-making process of the participants in the individualized education program (IEP) meeting. 2. The IEP team members shall consider the following: a. Whether extended school year (ESY) services are necessary, not just beneficial, components of a free appropriate public education (FAPE). b. Whether extended school year services are required to prevent significant regression of skills or knowledge due to interruption of instruction between school years.	Form IEP-607	IEP team	During IEP meeting

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PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Whether extended school year services are required to prevent significant regression of skills or knowledge retained by the child that cannot be recouped in a reasonable amount of time so as to seriously affect his or her progress toward self-sufficiency.			
3. In making this determination, the IEP team should consider the following:			
a. Without extended school year services, will the student receive benefit(s) appropriate to his or her relative ability and disability?			
b. Is the child failing to achieve short-term instructional objectives on the IEP due to interruption of instruction between school years?			
c. Is the child likely to fail to achieve short-term instructional objectives on the IEP due to interruption of instruction between school years?			
d. Will the child regress during interruption of instruction between school years to the extent that skills and knowledge cannot be recouped in a reasonable amount of time?			
e. Is the regression caused by interruption of instruction between school years, or does the child regress periodically throughout the school year?			
f. Is the regression caused by interruption of instruction between school years, or are there other factors related to the regression?			
4. If the IEP team members determine that a child with a disability requires extended school year services, they should:	Form IEP-607	IEP team	During IEP meeting
a. Identify the extended school year services needed;			
b. Design extended school year (ESY) services to meet the child's unique needs. In determining what services are needed, the IEP team should consider the following:			
(1) Services can be the same as, or a portion of, the services provided during the regular school year;			
(2) Extended school year services may be different from a child's regular school year services;			
(3) Services may be provided by another agency or by the school district; and			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Document the extended school year services on the IEP. The original IEP may be used with modifications in services, setting, initiation, and duration of services, or the team may develop a new IEP.	Form IEP-607	IEP team	During IEP meeting
5. The provision of extended school year services to a child with a disability is not automatic year after year and is determined through the IEP process.	Form IEP-607		

Related Appendices:

Appendix J: State Superintendent of Public Instruction Memorandum of April 14, 1989 (Extended School Year Services)

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SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Preschool Special Education to School-Age Special Education Programs (Reevaluation)

STATE RULE:

Preschool.

Activities shall be conducted that address the transition of preschool children with disabilities and their families between and within service delivery systems. Related activities may include, but are not necessarily limited to:

(1) Development of interagency agreements to clarify transition options;

(2) Development of forms and procedures for sharing pertinent information between agency personnel and parents;

(3) Transfer of personally identifiable information prior to the age at which children may be eligible for preschool or school-age services;

(4) Provision of information for parents regarding service options; and

(5) Provision of an individual planning conference and/or written transition plan for each child and family.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. To ensure that activities shall occur that address the transition of preschool children with disabilities from preschool to school-age programs, the district shall identify a staff member who will facilitate the transition process.		Superintendent or designee	Prior to student reaching compulsory school-age
2. An IEP meeting will be conducted to determine appropriate school-age special education and related services.	Form IEP-607	IEP team	During IEP meeting
a. The IEP meeting participants shall include:			
(1) A person other than the child's teacher who is a representative of the school district and who is qualified to provide, or supervise the provision of special education;			
(2) The child's current preschool teacher(s);			
(3) A teacher(s) representing the school-age program;			
(4) At least one person qualified to evaluate the area(s) of the child's documented deficit;			
(5) One or both of the child's parents; and	Form IEP-607	IEP team	
(6) Other individuals at the discretion of the parent or school district;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
3. A preschool child with a disability is a child who is at least three years of age, but not of compulsory school age. Since a child who is five years of age on or before September 30th is eligible for kindergarten, a child with a disability who attends kindergarten, but has not yet reached compulsory school age, may continue to be eligible for preschool special education services.			
4. In the case of a preschool child with a disability, a reevaluation must be conducted:			
a. Prior to determining that a child is no longer a child with a disability, or			
b. Prior to a change in disability category. (This includes a preschool child with a disability who is suspected of having a disability under one of the school-age categories.)	Form MFE-501 a-o		
5. The IEP meeting participants shall:	Form IEP-607	IEP team	During IEP meeting
a. Review current information (collected within one year) from the student's educational program that may include multifactored evaluations, IEPs, and other data; and			
b. Based upon that information, determine—			
(1) What personally identifiable information must be transferred to the appropriate program with parental consent, if required;			
(2) Whether additional evaluation is necessary and if so, the specific evaluations to be completed;	Form MFE-501e or MFE-501f	IEP team	During IEP meeting
(3) Whether interagency agreements are necessary to clarify transition options; and			
(4) Whether the student has a disability and meets school-age eligibility requirements; and			
c. Develop a new IEP, if required	Form IEP-607	IEP team	As necessary
Note: A reevaluation must be conducted and a child must meet the eligibility criteria to qualify for school-age special education services.			

Related Appendices:

Appendix K: Early Education of the Handicapped Teacher and Prekindergarten Teacher Certification/Training Memorandum of April 21, 1995

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Transition (School to Postschool)

FEDERAL STATUTE: 20 USC 1401(30), 1414(d)(1)(A)(vii), and 1414(d)(6)(A)(ii)

1401(30) Definitions, transition services.

The term 'transition services' means a coordinated set of activities for a student with a disability that—

(A) is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(B) is based on the individual student's needs, taking into account the student's preferences and interests; and

(C) includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

1414(d)(1)(A)(vii) Individualized education programs.

(vii) (I) beginning at age 14, and updated annually, a statement of the transition service needs of the child under the applicable components of the child's IEP that focuses on the child's courses of study (such as participation in advanced-placement courses or a vocational education program);

(II) beginning at age 16 (or younger, if determined appropriate by the IEP Team), a statement of needed transition services for the child, including when appropriate, a statement of the interagency responsibilities or any needed linkages; and

(III) beginning at least one year before the child reaches the age of majority under State law, a statement that the child has been informed of his or her rights under this title, if any, that will transfer to the child on reaching the age of majority under section 615(m).

1414(d)(6)(A)(ii) Children with disabilities in adult prisons.

(ii) The requirements of subclauses (I) and (II) of paragraph (1)(A)(vii) of this subsection (relating to transition planning and transition services), do not apply with respect to such children whose eligibility under this part will end, because of their age, before they will be released from prison.

FEDERAL REGULATION: 34 CFR §§300.29, 300.311, and 300.347(b) and (c)

§300.29 Transition services.

(a) As used in this part, 'transition services' means a coordinated set of activities for a student with a disability that—

(1) Is designated within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living , or community participation;

(2) Is based upon the individual student's needs, taking into account the student's preferences and interests; and

(3) Includes—

(i) Instruction;
(ii) Related services;
(iii) Community experiences;
(iv) The development of employment and other post-school adult living objectives; and
(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

FEDERAL REGULATION: (Continued)

§300.311 FAPE requirements for students with disabilities in adult prisons.

(b) *Requirements that do not apply.* The following requirements do not apply to students with disabilities who are convicted as adults under State law and incarcerated in adult prisons:

(2) The requirements in §300.347(b) (relating to transition planning and transition services), with respect to the students whose eligibility under Part B of the Act will end, because of their age, before they will be eligible to be released from prison based on consideration of their sentence and eligibility for early release.

§300.347(b) and (c) Content of IEP.

(b) *Transition services.* The IEP must include—

(1) For each student with a disability beginning at age 14 (or younger, if determined appropriate by the IEP team), and updated annually, a statement of the transition service needs of the student under the applicable components of the student's IEP that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program); and
(2) For each student beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages.

(c) *Transfer of rights.* In a State that transfers rights at the age of majority, beginning at least one year before a student reaches the age of majority under State law, the student's IEP must include a statement that the student has been informed of his or her rights under Part B of the Act, if any, that will transfer to the student on reaching the age of majority, consistent with §300.517.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. When a student turns 14 (or younger, if determined appropriate by the IEP team) a statement of the needed transition services of the student must be a. Included on the IEP; b. Updated annually; c. Indicated under the applicable components of the student's IEP; and d. Focused on the student's courses of study (such as participation in advanced placement course or vocational education).	Form IEP-607	IEP team	During IEP meeting
2. When a student turns 16, his or her IEP goals and objectives must reflect needed transition services in areas that include, but are not limited to future post-secondary education, employment goals, independent living goals, and community participation. The IEP team must base transition services on what the desired outcomes will be at the time the student plans to graduate or exit from the secondary school setting. Transition services need to be planned and stated on the IEP, based on this outcome-oriented process, the student's needs, and consideration of the student's preferences and interests. a. The IEP team determines the post-secondary goals with consideration of the student's interest and preferences. The team, in essence, identifies a goal beyond the student's school experience and develops strategies to prepare the student to achieve this goal.	Form IEP-607	IEP team	During IEP meeting

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. The IEP team develops activities- -the content of the IEP- -that focus on: (1) Instruction; (2) Community experiences; (3) Development of employment and other post-school adult living objectives; and (4) If appropriate, goals and objectives related to the acquisition of daily living skills and functional vocational evaluation.	Form IEP-607	IEP team	During IEP meeting
c. The IEP team documents on the IEP that if services identified in 2.b.(1)-(4) are not needed, the basis upon which that determination was made.	Form IEP-607	IEP team	During IEP meeting
d. If appropriate, the IEP team includes a statement of each school district's and/or participating agency's responsibilities and/or linkages.	Form IEP-607	IEP team	During IEP meeting
e. If appropriate, the IEP team documents on the IEP linkages with adult service providers that are likely to be responsible for providing or paying for transition services.	Form IEP-607	IEP team	During IEP meeting
3. The development of the transition services statement: a. Is based on the student's needs and takes into consideration the student's preferences and interest; b. Is designed within an outcome-oriented process; c. Promotes movement from school to postschool activities; and d. Incorporates a coordinated set of activities.	Form IEP-607	IEP team	
❖4. The transition services statement builds upon the individual career plans (ICP). The Ohio Department of Education is recommending the use of the ICP to assist students in developing career goals and activities to accomplish their goals. These classroom and community-based activities provide a foundation for planning transition services leading to employment (refer to Appendix L).	Form IEP-607	IEP team	During IEP meeting
❖5. One of the most important steps in the transition process is to envision a desirable future for the student with a disability. However, before a "vision" can be developed, special knowledge and understanding of the student's needs, interests, and preferences must be obtained and shared. A process called "Personal Futures Planning," in which the student's long-range goals and outcomes drive the educational and transition services that are planned and delivered, can improve transition services and adult life outcomes for persons with disabilities.	Form IEP-607 351	IEP team	During IEP meeting

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
❖6. The administrator or IEP chairperson has ultimate responsibility for transition services and may wish to select an IEP team member or other personnel to oversee the coordination of transition services. The coordinator monitors the delivery of transition services to assure that the supports necessary for a successful transition to adult life are provided. **Note:** For students in adult prisons, the above procedures must be followed if the student will be released before age 22. If the student will not be released until after the age 22, the above procedures need not be followed.	Form IEP-607	IEP chair	

Related Appendices:

Appendix L: Individual Career Plan (ICP)

❖**Denotes optional procedure/form**

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Agency Responsibility for Transition

FEDERAL STATUTE: 20 USC 1414(d)(1)(A)(vii)(I) and (II) and 1414(d)(5)

1414(d)(1)(A)(vii)(I) and (II) Individualized education programs.

Refer to page 58 of this section for the Federal Statute.

1414(d)(5) Failure to meet transition objectives.

If a participating agency, other than the local educational agency, fails to provide the transition services described in the IEP in accordance with paragraph (1)(A)(vii), the local educational agency shall reconvene the IEP Team to identify alternative strategies to meet the transition objectives for the child set out in that program.

FEDERAL REGULATION: 34 CFR §§300.340(b) and 300.348

§300.340(b) Definitions, participating agency.

(b) As used in §300.348, *participating agency* means a State or local agency, other than the public agency responsible for a student's education, that is financially and legally responsible for providing transition services to the student.

§300.348 Agency responsibilities for transition services.

(a) If a participating agency, other than the public agency, fails to provide the transition services described in the IEP in accordance with §300.347(b)(1), the public agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives for the student set out in the IEP.

(b) Nothing in this part relieves any participating agency, including a State vocational rehabilitation agency, of the responsibility to provide or pay for any transition services that the agency would otherwise provide to students with disabilities who meet the eligibility criteria of that agency.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will reconvene a meeting of all interested parties whenever transition services should be, but are not being, delivered by another agency.	Form IEP-607	IEP team	As soon as possible after discovery that transition services are not being provided
2. The IEP team will: a. Identify alternative strategies for providing transition services to the student; and			
b. Revise the student's IEP.	Form IEP-607	IEP team	During IEP meeting

Additional Resources:

Ohio Department of Education, Division of Special Education. (September 27, 1993). Memorandum. *Compliance with transition services requirements of IDEA*. Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: IEP-Special Factors and Other Considerations: Testing Considerations

FEDERAL STATUTE: 20 USC 1412(a)(17) **Participation in assessments.**

(A) *In General.* Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations, where necessary. As appropriate, the State or local educational agency—

- (i) develops guidelines for the participation of children with disabilities in alternate assessments for those children who cannot participate in State and district-wide assessment programs; and
- (ii) develops and, beginning not later than July 1, 2000, conducts those alternate assessments.

(B) *Reports.* The State educational agency makes available to the public, and reports to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following:

- (i) The number of children with disabilities participating in regular assessments.
- (ii) The number of those children participating in alternate assessments.
- (iii) (I) The performance of those children on regular assessments (beginning not later than July 1, 1998) and on alternate assessments (not later than July 1, 2000), if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children.
  - (II) Data relating to the performance of children described under subclause (I) shall be disaggregated—
    - (aa) for assessments conducted after July 1, 1998; and
    - (bb) for assessments conducted before July 1, 1998, if the State is required to disaggregate such data prior to July 1, 1998.

FEDERAL REGULATION: 34 CFR §§300.138 and 300.139

§300.138 Participation in assessments.

Language is the same as the Statute, except item (a), which is changed as noted in bold type.

(a) Children with disabilities are included in general State and district-wide assessment programs, with appropriate accommodations **and modifications in administration, if necessary.**

§300.139 Reports relating to assessments.

(a) *General.* In implementing the requirements of §300.138, the SEA shall make available to the public, and report to the public with the same frequency and in the same detail as it reports on the assessment of nondisabled children, the following information:

- (1) The number of children with disabilities participating—
  - (i) In regular assessments; and
  - (ii) In alternate assessments.
- (2) The performance results of the children described in paragraph (a)(1) of this section if doing so would be statistically sound and would not result in the disclosure of performance results identifiable to individual children—
  - (i) On regular assessments (beginning not later than July 1, 1998); and
  - (ii) On alternate assessments (not later than July 1, 2000).

(b) *Combined reports.* Reports to the public under paragraph (a) of this section must include—

- (1) Aggregated data that include the performance of children with disabilities together with all other children; and
- (2) Disaggregated data on the performance of children with disabilities.

(c) *Timeline for disaggregation of data.* Data relating to the performance of children described under paragraph (a)(2) of this section must be disaggregated—

- (1) For assessments conducted after July 1, 1998; and
- (2) For assessments conducted before July 1, 1998, if the State is required to disaggregate the data prior to July 1, 1998.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will ensure that children with disabilities participate to the maximum extent appropriate in all State and district-wide testing and assessment programs, including proficiency tests with appropriate accommodations in administration, if necessary. **Note:** Modifications may not be done to the content of the test, only accommodations for the student in administration of the test.	Form IEP-607	IEP team	During IEP meeting
2. The school district must include all children in all testing and assessment programs, including the proficiency tests, or in alternate assessments for children who cannot participate in State and district-wide assessment programs.		Superintendent or designee IEP team	
a. If the child is being provided the regular education instructional program, the child would, in most cases, take the assessments and/or tests.			
b. If the child is successfully being provided the regular education instructional program with appropriate accommodations, the child would take the assessments and/or tests with appropriate accommodations.			
(1) Accommodations include, but are not limited to:			
(a) Format adaptations (e.g., the use of Braille, large print, or cassette tape; limiting the number of test items per page); and			
(b) Procedural adaptations (e.g., the provision of extended time for test taking, test administration in several parts or segments, allowing the child to dictate his or her answers to proctors, providing for an assistant to write answers in test booklet, the use of a calculator or other equipment for children with physical disabilities, the administration of tests individually or in small groups).	Form IEP-607 and Instructions	IEP team	During IEP meeting
(2) Appropriate accommodations are changes in test administration, not test content. Accommodations in format or procedure should not detract from what the test is designed to measure.			
(3) The IEP team determines the person(s) responsible for making and implementing accommodations needed (procedural or format) for the test to be appropriately administered in the regular education setting.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. If the IEP team determines that the child will not participate in a particular State or district-wide assessment of student achievement (or part of an assessment), a statement will need to be included to address: (1) Why the assessment is not appropriate for the child; and (2) How the child will be assessed.	Form IEP-607	IEP team	During IEP meeting
3. For students with disabilities enrolled in chartered nonpublic schools, the team responsible for developing the services plan or other written plan will ensure that children with disabilities will participate, to the maximum extent appropriate, in the proficiency tests with appropriate accommodations and modifications if necessary.	Services or other written plan	Services plan or other written plan team	During the team meeting
4. An exemption from taking proficiency tests or accommodations to be provided in proficiency testing for students with disabilities enrolled in chartered nonpublic schools may be granted under any of the following conditions: a. A services plan documenting exemptions from taking the tests or accommodations to be provided in testing has been developed by public school personnel, and special education services are being provided by federally-funded personnel; b. A services plan documenting exemptions from taking the tests or accommodations to be provided in testing has been developed by public school personnel, and special education services are being provided by auxiliary services funded personnel; and c. A written plan documenting exemptions from taking the tests or accommodations to be provided in testing has been developed by the chartered nonpublic school that meets all the requirements of State standard 3301-13-10.			
5. Guidelines for the participation in alternate assessments and the alternate assessments to be conducted must be followed for those children who cannot participate in State and district-wide assessments beginning not later than July 1, 2000 school year. **Note:** This requirement does not apply to children with disabilities who are enrolled in chartered nonpublic schools by their parents.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Note: The IEP team must determine whether a child with a disability will participate in a particular State or district-wide assessment of student achievement. If the child will not participate, the IEP must include a statement of why that assessment is not appropriate for the child and how the child will be assessed. If IEP teams properly make individualized decisions about the participation of each child with a disability in State or district-wide assessments, including the use of appropriate accommodations in administration, it should only be necessary to use alternate assessments for a relatively small percentage of children with disabilities.			

Additional Resources:

Ohio Department of Education. (April 1995). *Ohio's statewide testing program: Rules for proficiency testing.* Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: Parental Consent/Copies of IEP

FEDERAL STATUTE: 20 USC 1414(a)(1)(C) and 1414(c)(3)

1414(a)(1)(C) Parental consent.

(i) *In General.* The agency proposing to conduct an initial evaluation to determine if the child qualifies as a child with a disability as defined in section 602(3)(A) or 602(3)(B) shall obtain an informed consent from the parent of such child before the evaluation is conducted. Parental consent for evaluation shall not be construed as consent for placement for receipt of special education and related services.

(ii) *Refusal.* If the parents of such child refused consent for the evaluation, the agency may continue to pursue an evaluation by utilizing the mediation and due process procedures under section 615, except to the extent inconsistent with State law relating to parental consent.

1414(c)(3) Parental consent.

Each local educational agency shall obtain informed parental consent, in accordance with subsection (a)(1)(C), prior to conducting any reevaluation of a child with a disability, except that such informed parent consent need not be obtained if the local educational agency can demonstrate that it had taken reasonable measures to obtain such consent and the child's parent has failed to respond.

FEDERAL REGULATION: 34 CFR §§300.345(f) and 300.505

§300.345(f) Parent participation.

(f) *Parent copy of child's IEP.* The public agency shall give the parent a copy of the child's IEP at no cost to the parent.

§300.505 Parental consent.

(a) *General.*

(1) Subject to paragraphs (a)(3), (b) and (c) of this section, informed parent consent must be obtained before—

(i) Conducting an initial evaluation or reevaluation; and
(ii) Initial provision of special education and related services to a child with a disability.

(2) Consent for initial evaluation may not be construed as consent for initial placement described in paragraph (a)(1)(ii) of this section.

(3) Parental consent is not required before—

(i) Reviewing existing data as part of an evaluation or a reevaluation; or
(ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

(b) *Refusal.* If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the agency may continue to pursue those evaluations by using the due process procedures under §§300.507-300.509, or the mediation procedures under §300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent.

(c) *Failure to respond to request for reevaluation.*

(1) Informal parental consent need not be obtained for reevaluation if the public agency can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.

(2) To meet the reasonable measures requirement in paragraph (c)(1) of this section, the public agency must use procedures consistent with those in §300.345(d).

FEDERAL REGULATION: (Continued)

(d) *Additional State consent requirements.*

In addition to the parental consent requirements described in paragraph (a) of this section, a State may require parental consent for other services and activities under this part if it ensures that each public agency in the State establishes and implements effective procedures to ensure that parent's refusal to consent does not result in a failure to provide the child with FAPE.

(e) *Limitation.* A public agency may not use a parent's refusal to consent to one service or activity under paragraphs (a) and (d) of this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. For initial provision of special education and related services, the school district must obtain parent permission for the initiation of special education services on the IEP.	Parent signature on Form IEP-607	District representative or IEP chair	During IEP meeting
2. The IEP will serve as the required prior notice if the parents agree with its entire content. If the parents do not agree with any part of the IEP, then the district must provide the parents with prior written notice.	Form PS-401	IEP chair	
3. If parents do not attend the meeting to give permission for the initiation of special education and related services, school personnel will obtain the parent's signature on the IEP in person (i.e., through a home visit) or by mail. **Note:** Parental consent is required for initial placement or a change in placement on the continuum.	Forms IEP-607 and CI-210❖	IEP chair	As soon as possible after IEP meeting
4. If parental consent is not obtained for conducting the initial evaluation for initial placement, the school district may initiate an impartial due process hearing to determine if the child may be evaluated or placed (refer to Section 7: Due Process Procedures). **Note:** The team may reconvene the IEP or MFE conference to determine the need for services or evaluation.		Superintendent or designee	
5. The school district may not require permission as a condition to providing any services, benefit, or activity to the parent or child, except when permission is necessary for evaluation or service delivery.			
6. The school district will obtain parent waiver to receive their child's IEP by certified mail. If parents do not waive their right to notification by certified mail, then mail IEP to parents by certified mail.	Form IEP-607		

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
7. The school district must provide a copy of the IEP to the parents.			
a. If the IEP is on NCR paper, the parent may receive the copy at the meeting or photocopies can be made.			30 calendar days after IEP meeting
b. If it is not possible to make a copy of the IEP immediately following the meeting, the district will send or provide a copy to the parent.	Forms IEP-607 and IEP-608	IEP chair	30 calendar days after IEP meeting
8. The school personnel will make the child's IEP accessible to each teacher, special education teacher, related service provider, and other service provider who is responsible for its implementation.	Form IEP-607	IEP chair	Immediately
9. The special education and related services must be available to the child within a reasonable period of time, following receipt of parental consent for initial placement.	Form IEP-607	IEP chair	Immediately

SECTION: IEP/LRE

TOPIC: Monitoring and Reporting Progress

FEDERAL STATUTE: 20 USC 1414(d)(1)(A)(viii) **Individualized education programs.**

(A) Individualized education program. The term 'individualized education' program' or 'IEP' means a written statement for each child with a disability that is developed, reviewed, and revised in accordance with this section and that includes—

(viii) a statement of—

(I) how the child's progress toward the annual goals described in clause (ii) will be measured; and
(II) how the child's parents will be regularly informed (by such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(aa) their child's progress toward the annual goals described in clause (ii); and
(bb) the extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

FEDERAL REGULATION: 34 CFR §300.347(a)(7) **Content of IEP.**

(a) *General.* The IEP for each child with a disability must include—

(7) A statement of—

(i) How the child's progress toward the annual goals described in paragraph (a)(2) of this section will be measured; and
(ii) How the child's parents will be regularly informed (through such means as periodic report cards), at least as often as parents are informed of their nondisabled children's progress, of—

(A) Their child's progress toward the annual goals; and
(B) The extent to which that progress is sufficient to enable the child to achieve the goals by the end of the year.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The IEP team will review and complete the statement on the IEP that stipulates how the child's progress toward the annual goals will be measured.	Form IEP-607	IEP team chair	During IEP meeting
2. The IEP team will review and complete the statement of how the child's parents will be regularly informed, at least as often as parents are informed of their nondisabled children's progress, including the a. Child's progress toward annual goals; and b. Extent to which progress is sufficient to enable the child to achieve the goals by the end of the year.	Form IEP-607	IEP team chair	During IEP meeting
3. School personnel will provide report cards, IEPs, or other documents to parents which explain their child's progress toward the annual goals.	Report Card and Forms IEP-607 and/or Form IEP-609❖	Teacher/ service providers	Same reporting schedule as district

❖**Denotes optional procedure/form**

SECTION: IEP/LRE

TOPIC: Periodic Review

FEDERAL STATUTE: 20 USC 1414(d)(4) **Review and revision of IEP.**

(A) *In General.*—The local educational agency shall ensure that, subject to subparagraph (B), the IEP Team—

(i) reviews the child's IEP periodically, but not less than annually to determine whether the annual goals for the child are being achieved; and

(I) any lack of expected progress toward the annual goals and in the general curriculum, where appropriate;
(II) the results of any reevaluation conducted under this section;
(III) information about the child provided to, or by the parents, as described in subsection (c)(1)(B);
(IV) the child's anticipated needs; or
(V) other matters.

FEDERAL REGULATION: 34 CFR §300.343 **IEP meetings.**

(a) *General.* Each public agency is responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability (or, if consistent with §300.342(c), an IFSP).

(b) *Initial IEPs: provision of services.*

(1) Each public agency shall ensure that within a reasonable period of time following the agency's receipt of parent consent to an initial evaluation of a child—

(i) The child is evaluated; and
(ii) If determined eligible under this part, special education and related services are made available to the child in accordance with an IEP.

(2) In meeting the requirement in paragraph (b)(1) of this section, a meeting to develop an IEP for the child must be conducted within 30 days of a determination that the child needs special education and related services.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. School personnel will invite all participants (as outlined in this section, beginning on page 8) to the periodic review of the IEP.	Forms IEP-601❖, IEP-603, IEP-604❖, and IEP-605	IEP chair or case manager	Invite participants early enough that they can attend
Note: The district may choose to send a copy of Form IEP-603 to participants rather than Forms IEP-601❖, IEP-604❖, and IEP-605.	Form IEP-607	IEP team	At least annually
2. The IEP team will follow IEP procedures, Steps 1 through 6, (refer to page 19 of this section) and include the special factors and additional considerations (refer to pages 18 and 19 of this section).			
3. The IEP team will review each goal and accompanying objective to ascertain accomplishment.	Previous IEP	IEP team	At least annually

❖ **Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
4. If objectives have not been achieved, the IEP team should determine the reason why.	Form IEP-607		At least annually
5. The IEP team will develop present levels of educational performance, using information such as teacher assessment, MFE (or IBA, if available), portfolios, and work samples.	Form IEP-607		At least annually
6. The IEP team determines, after the completion of Steps 1 through 4 of the IEP Sequential Process, if special education services are necessary to implement the student's goals and objectives.	Form IEP-607		At least annually
7. The IEP team shall determine, after completion of Steps 1 through 5 of the IEP Sequential Process, where service shall be delivered.			
8. The IEP team shall ensure the consideration of special factors and additional considerations (refer to pages 18 and 19 of this section) and the results of the child's performance on district and statewide assessments.			

SECTION: IEP/LRE

TOPIC: Children in Other Districts or Agencies

FEDERAL STATUTE: 20 USC 1412(a)(4) **Individualized education program.**

An individualized education program, or an individualized family service plan that meets the requirements of section 636(d), is developed, reviewed, and revised for each child with a disability in accordance with section 614(d).

FEDERAL REGULATION: 34 CFR §§300.302, 300.341(a) and (b), and 300.401

§300.302 Residential placement.

If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parents of the child.

§300.341(a) and (b) Responsibility of SEA and other public agencies for IEPs.

(a) The SEA shall ensure that each public agency—

- (1) Except as provided in §§300.450-300.462 develops and implements an IEP for each child with a disability served by that agency; and
- (2) Ensures that an IEP is developed and implemented for each eligible child placed in or referred to a private school or facility by the public agency.

(b) Paragraph (a) of this section applies to—

- (1) The SEA, if it is involved in providing direct services to children with disabilities, in accordance with §300.370(a) and (b)(1); and
- (2) Except as provided in §300.600(d), the other public agencies described in §300.2, including LEAs and other State agencies that provide special education and related services either directly, by contract, or through other arrangements.

§300.401 Responsibility of State educational agency.

Each SEA shall ensure that a child with a disability who is placed in or referred to a private school or facility by a public agency—

(a) Is provided special education and related services—

- (1) In conformance with an IEP that meets the requirements of §§300.340-300.350; and
- (2) At no cost to the parents;

(b) Is provided an education that meets the standards that apply to education provided by the SEA and LEAs (including the requirements of this part); and

(c) Has all of the rights of a child with a disability who is served by a public agency.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. When providing special education services for a child with a disability in another school district or agency, including the Ohio Department of Youth Services (DYS), the school district of residence (where the parents reside) will follow the same procedural safeguards for that child as it does for all children with a disability.	CIMS	Superintendent or designee	As needed

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
2. If the child and parent reside in the same school district and the IEP team considers special services that are provided in another school district or agency:	Form IEP-610❖	Superintendent or designee	At least annually
a. The school district of residence shall initiate and conduct meetings to develop the initial IEP.			
b. For annual reviews, the district or facility of attendance may convene an IEP meeting at the discretion of the district of residence. If an IEP meeting is held, the district providing services shall ensure that—			
(1) The district of residence representative is involved in any decisions regarding the child's IEP; and			
(2) The district of residence representative agrees to any proposed changes prior to implementation.			
3. If the parent resides in one school district and the child resides in another school district:			
a. The school district of attendance shall initiate and conduct meetings to develop, review, and revise an IEP in accordance with the procedures outlined in this section of the manual.	Form IEP-607	Superintendent or designee	Prior to placement and at least annually
b. The school district of attendance will invite a representative of the school district of residence to attend the IEP meeting.	Forms IEP-603 and IEP-604❖ Signed Form IEP-607	Superintendent or designee	Two to three weeks prior to IEP meeting
4. If the parent resides in one school district and the child resides in another school district, and consideration is being given to services in a third school district or agency:			
a. The school district where the child resides invites a representative of the school district of residence, and the school district where services are being considered, to attend the IEP meeting.			
b. If a representative from the other district or agency cannot attend, the school district of residence shall ensure their participation by other methods including, but not limited to, individual or conference telephone calls.	Notes of individual or conference call with time, date, participants, and results, and Cooperative agreements	Superintendent or designee	At least annually
5. Each district will cooperate with other districts and agencies (including county interdepartmental clusters) that serve children with disabilities in institutions or other care facilities to provide these children with disabilities access to an education in a regular public school setting, when appropriate, and as specified in the IEP.	Signed Form MFE-501a-o, Form IEP-607, and CIMS	Superintendent or designee	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
6. All school districts involved in the education of the child must have on file a copy of the current multifactored evaluation team report and IEP.	Signed Form MFE-501a-o, Form IEP-607, and CIMS	Superintendent or designee	
7. Regardless of what school or agency implements a child's IEP, responsibility for compliance with the requirements of IDEA remains with the district of residence and the Ohio Department of Education, except as provided in section 612(a)(ii)(c) relating to adult prisons.			

FEDERAL STATUTE: 20 USC 1412(a)(10) and 1412(a)(5)(A)

1412(a)(10) Children in private schools.

(A) Children enrolled in private schools by their parents.—

(i) *In General.*— To the extent consistent with the number and location of children with disabilities in the State who are enrolled by their parents in private elementary and secondary schools, provision is made for the participation of those children in the program assisted or carried out under this part by providing for such children special education and related services in accordance with the following requirements, unless the Secretary has arranged for services to those children under subsection (f):

(I) Amounts expended for the provision of those services by a local educational agency shall be equal to a proportionate amount of Federal funds made available under this part.

(II) Such services may be provided to children with disabilities on the premises of private, including parochial, schools, to the extent consistent with law.

(ii) *Child-Find Requirement.*— The requirements of paragraph (3) of this subsection (relating to child find) shall apply with respect to children with disabilities in the State who are enrolled in private, including parochial, elementary and secondary schools.

(B) Children placed in, or referred to, private schools by public agencies.—

(i) *In General.*— Children with disabilities in private schools and facilities are provided special education and related services, in accordance with an individualized education program, at no cost to their parents, if such children are placed in, or referred to, such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part of any other applicable law requiring the provision of special education and related services to all children with disabilities within such State.

(ii) *Standards.*— In all cases described in clause (i), the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies.

(C) Payment for education of children enrolled in private schools without consent of or referral by the public agency.—

(i) *In General.*— Subject to subparagraph (A), this part does not require a local educational agency to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility.

(ii) *Reimbursement for private school placement.*—If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a private elementary or secondary school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made a free appropriate public education available to the child in a timely manner prior to that enrollment.

(iii) *Limitation on reimbursement.*— The cost of reimbursement described in clause (ii) may be reduced or denied.—

(I) if—

(aa) at the most recent IEP meeting that the parents attended prior to removal of the child from the public school, the parents did not inform the IEP Team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

(bb) 10 business days (including any holidays that occur on a business day) prior to the removal of the child from the public school, the parents did not give written notice to the public agency of the information described in division (aa);

FEDERAL STATUTE: (Continued)

(II) if, prior to the parents' removal of the child from the public school, the public agency informed the parents, through the notice requirements described in section 615(b)(7), of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make the child available for such evaluation; or

(III) upon a judicial finding of unreasonableness with respect to actions taken by the parents.

(iv) *Exception.*—Notwithstanding the notice requirements in clause (iii)(I), the cost of reimbursement may not be reduced or denied for failure to provide such notice if—

(I) the parent is illiterate and cannot write in English;

(II) compliance with clause (iii)(I) would likely result in physical or serious emotional harm to the child;

(III) the school prevented the parent from providing such notice; or

(IV) the parents had not received notice, pursuant to section 615, of the notice requirement in clause (iii)(I).

1412(a)(5)(A) Least restrictive environment.

(A) *In General.* To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

FEDERAL REGULATION: 34 CFR §§300.452, 300.453, 300.454, 300.455, 300.456, and 300.554

§300.452 Provision of services—basic requirement.

(a) *General.* To the extent consistent with their number and location in the State, provision must be made for the participation of private school children with disabilities in the program assisted or carried out under Part B of the Act by providing them with special education and related services in accordance with §§300.453-300.462.

(b) *SEA Responsibility—services plan.* Each SEA shall ensure that, in accordance with paragraph (a) of this section and §§300.454-300.456, a services plan is developed and implemented for each private school child with a disability who has been designated to receive special education and related services under this part.

§300.453 Expenditures.

(a) *Formula.* To meet the requirement of §300.452(a), each LEA must spend on providing special education and related services to private school children with disabilities—

(1) For children aged 3 through 21, an amount that is the same proportion of the LEA's total subgrant under section 611(g) of the Act as the number of private school children with disabilities aged 3 through 21 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 21; and

(2) For children aged 3 through 5, an amount that is the same proportion of the LEA's total subgrant under section 619(g) of the Act as the number of private school children with disabilities aged 3 through 5 residing in its jurisdiction is to the total number of children with disabilities in its jurisdiction aged 3 through 5.

(b) *Child count.*

(1) Each LEA shall—

(i) Consult with representatives of private school children in deciding how to conduct the annual count of the number of private school children with disabilities; and
(ii) Ensure that the count is conducted on December 1 or the last Friday of October of each year.

(2) The child count must be used to determine the amount that the LEA must spend on providing special education and related services to private school children with disabilities in the next subsequent fiscal year.

(c) *Expenditures for child find may not be considered.* Expenditures for child find activities described in §300.451 may not be considered in determining whether the LEA has met the requirements of paragraph (a) of this section.

(d) *Additional services permissible.* State and local educational agencies are not prohibited from providing services to private school children with disabilities in excess of those required by this part, consistent with State law or local policy.

FEDERAL REGULATION: (Continued)

§300.454 Services determined.

(a) *No individual right to special education and related services.*

(1) No private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

(2) Decisions about the services that will be provided to private school children with disabilities under §§300.452-300.462 must be made in accordance with paragraphs (b), and (c) of this section.

(b) Consultation with representatives of private school children with disabilities.

(1) *General.* Each LEA shall consult, in a timely and meaningful way, with appropriate representatives of private school children with disabilities in light of the funding under §300.453, the number of private school children with disabilities, the needs of private school children with disabilities, and their location to decide—

(i) Which children will receive services under §300.452;
(ii) What services will be provided;
(iii) How and where the services will be provided; and
(iv) How the services provided will be evaluated.

(2) *Genuine opportunity.* Each LEA shall give appropriate representatives of private school children with disabilities a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements in this section.

(3) *Timing.* The consultation required by paragraph (b)(1) of this section must occur before the LEA makes any decision that affects the opportunities of private school children with disabilities to participate in services under §§300.452-300.462.

(4) *Decisions.* The LEA shall make the final decisions with respect to the services to be provided to eligible private school children.

(c) *Services plan for each child served under §§300.450-300.462.* If a child with a disability is enrolled in a religious or other private school and will receive special education or related services from an LEA, the LEA shall—

(1) Initiate and conduct meetings to develop, review, and revise a services plan for the child, in accordance with §300.455(b); and

(2) Ensure that a representative of the religious or other private school attends each meeting. If the representative cannot attend, the LEA shall use other methods to ensure participation by the private school, including individual or conference telephone calls.

§300.455 Services provided.

(a) *General.*

(1) The services provided to private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools.

(2) Private school children with disabilities may receive a different amount of services than children with disabilities in public schools.

(3) No private school child with a disability is entitled to any service or to any amount of a service a child would receive if enrolled in a public school.

(b) *Services provided in accordance with a services plan.*

(1) Each private school child with a disability who has been designated to receive services under §300.452 must have a services plan that describes the specific special education and related services that the LEA will provide to the child in light of the services that the LEA has determined, through the process described in §§300.453-300.454, it will make available to private school children with disabilities.

(2) The services plan must, to the extent appropriate—

(i) Meet the requirements of §300.347, with respect to the services provided; and
(ii) Be developed, reviewed, and revised consistent with §§300.342-300.346.

FEDERAL REGULATION: (Continued)

§300.456 Location of services; transportation.

(a) *On-site.* Services provided to private school children with disabilities may be provided on-site at a child's private school, including a religious school, to the extent consistent with law.

(b) *Transportation.*

(1) *General.*

(i) If necessary for the child to benefit from or participate in the services provided under this part, a private school child with a disability must be provided transportation—

(A) From the child's school or the child's home to a site other than the private school; and

(B) From the service site to the private school, or to the child's home, depending on the timing of the services.

(ii) LEAs are not required to provide transportation from the child's home to the private school.

(2) *Cost of transportation.* The cost of the transportation described in paragraph (b)(1)(i) of this section may be included in calculating whether the LEA has met the requirement of §300.453.

§300.554 Children in public or private institutions.

Except as provided in §300.600(d), an SEA must ensure that §300.550 is effectively implemented, including, if necessary, making arrangements with public and private institutions (such as a memorandum of agreement or special implementation procedures).

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district must make provision for the participation of children with disabilities who are enrolled by their parents in chartered nonpublic schools in using Title VI-B Flow-Thru Funds.			
a. The school district, where the nonpublic school is located, shall consult in a timely and meaningful manner with appropriate representatives of students enrolled in chartered nonpublic schools and give these representatives a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements.			
b. Consultations shall take into consideration the funding generated under Title VI-B by nonpublic school students with disabilities, the number of these children and their needs, and their location to decide: (1) Which children will receive special education and related services; (2) What special education and related services will be provided; (3) How and where the special education and related services will be provided; and (4) How the special education and related services provided will be evaluated.	Appendix A		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. The school district is responsible for making the final determination of services to be provided to eligible nonpublic school children.			
2. Special education services to be provided through IDEA or auxiliary services funds must be implemented in accordance with a services plan.			
a. Services plans must be individually developed for each child and describe the specific special education and related services that the school district agrees to provide to each child.	Form IEP-607		
b. The school district where the chartered nonpublic school is located—whether or not it is the child's district of residence—convenes the services plan meeting for an eligible child who has been designated through the consultation process to receive special education and related services.			
c. The representative of the chartered nonpublic school must be invited to attend the services plan meeting.			
d. If a chartered nonpublic school representative is unable to attend, the school must use other methods to ensure participation by the chartered nonpublic school, including individual or conference telephone calls.			
e. The public school district providing the services is responsible for conducting meetings, at least annually, to review and revise each child's services plan.			
3. The school district of residence must provide transportation to a child with a disability who is enrolled by his/her parents in a chartered nonpublic school to the same degree as any child without disabilities who is attending a chartered nonpublic school.			
4. If necessary, for a nonpublic school child with a disability to receive special education and related services, the school district providing the Title VI-B funded services must provide transportation			
a. from the child's school or the child's home to a site other than the nonpublic school; and			
b. from the service site to the nonpublic school or to the child's home, depending on the timing of service (Ohio Administrative Code 3301-51-10).			
5. If auxiliary funded services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the chartered nonpublic school is located.	Ohio Revised Code 3317.06(I)		

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
6. Special education services provided with IDEA or auxiliary services funds may be provided to children with disabilities on the premises of chartered nonpublic, including religious schools. (See Appendix A, *Guidelines for Providing Services to Children with Disabilities Parentally Placed in Ohio Chartered Nonpublic Schools*). **Note:** With regard to transportation services, school districts are not required to provide transportation from the student's home to the nonpublic school, but only to the site where the services are offered, and either return the student to the nonpublic school or to the student's home, depending on the timing of the services. The cost of the transportation may be included in calculating, whether the school district has met §§300.353-300.456. **Note:** With regard to location of services, services may be provided to children with disabilities on the premises of chartered nonpublic, including religious schools. (See Appendix A, *Guidelines for Providing Services to Children with Disabilities Parentally Placed in Ohio Chartered Nonpublic Schools).*			

Additional Resources:

- Ohio Administrative Code 3301-51-10
- Ohio Revised Code 3317.06(I)

SECTION: IEP/LRE

TOPIC: Professional Development

FEDERAL REGULATION: 34 CFR §300.555 **Technical assistance and training activities.**

Each SEA shall carry out activities to ensure that teachers and administrators in all public agencies—

(a) Are fully informed about their responsibilities for implementing §300.550; and

(b) Are provided with technical assistance and training necessary to assist them in this effort.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district will participate in the training provided by special education regional resource centers (SERRC).	Verification of Participation Forms	Professional development providers	
2. The school district will take advantage of training opportunities provided by the regional professional development centers, other agencies, and cooperative service providers such as vocational education planning districts (VEPDs), to carry out teacher education.	Verification of Participation Forms	Professional development providers	
3. Training, of any kind, which is to be incorporated into an "Individual Professional Development Plan," will need to be planned and approved by the Local Professional Development Committee, as appropriate.			

SECTION: IEP/LRE

TOPIC: Monitoring Activities

FEDERAL REGULATION: 34 CFR §300.556 **Monitoring activities.**

(a) The SEA shall carry out activities to ensure that §300.550 is implemented by each public agency.
(b) If there is evidence that a public agency makes placements that are inconsistent with §300.550, the SEA shall—

(1) Review the public agency's justification for its actions; and
(2) Assist in planning and implementing any necessary corrective action.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district will participate, as required by the Ohio Department of Education, in the school improvement review process (SIR) carried out by the Division of Special Education.	Reporting forms and administrative review	Superintendent or designated school district personnel	Upon scheduled request
2. School districts and other agencies responsible for operating early childhood special education programs will participate, as required by the Ohio Department of Education, in the monitoring of licensed center-based classrooms, and the use of the Preschool Special Education Evaluation instrument, as facilitated by the Division of Early Childhood Education (DECE).	Reporting forms	Superintendent or designee	Upon scheduled request and DECE specified time lines

Additional Resources:

Ohio Department of Education. (January 1995). *Preschool special education evaluation instrument.* Columbus, OH: Author.

SECTION: IEP/LRE

TOPIC: Transition From Part C To Preschool Programs (Part B)

FEDERAL STATUTE: 20 USC 1412(a)(9) **Transition from Part C to preschool programs.**

Children participating in early-intervention programs assisted under part C, and who will participate in preschool programs assisted under this part, experience a smooth and effective transition to those preschool programs in a manner consistent with section 637(a)(8). By the third birthday of such a child, an individualized education program or, if consistent with sections 614(d)(2)(B) and 636(d), an individualized family service plan, has been developed and is being implemented for the child. The local educational agency will participate in transition planning conferences arranged by the designated lead agency under section 637(a)(8).

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
Refer to Appendix D: Interagency Agreement on Transition From Early Intervention (Part C) To Preschool Special Education Programs (Part B) or Other Appropriate Services.			

Copies: Student File
IEP Participants

INVITATION TO IEP MEETING (DISTRICT PERSONNEL)

☐ Initial IEP ☐ Annual Review ☐ Reevaluation

Name of Child ______________________________

Date of Birth ______________________________

Date Sent ______________________________

An IEP meeting will be held for the above-named student. The purpose of this letter is to invite you to attend.

The meeting is scheduled for ____________ (Date), at ____________ (Time) at ______________________________ (Building and Address)

____

Please bring student work samples or other information documenting the child's present levels of performance in your areas of responsibility. If you cannot attend, please notify ____________________ (Chair/District Representative) immediately. If classroom coverage is necessary, please notify your building principal.

Thank you,

____
Signature

____
Date

❖Denotes optional procedure/form

Copies: Student File
IEP Participants

IEP-602

INVITATION TO INITIAL INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETING

Name of Child____________________ Date Sent ___/___/___

Dear Parent:

At the time you gave consent for a multifactored evaluation, you were informed that you would be an equal participant in the meeting(s) to determine your child's educational program.

This letter serves as an invitation to a meeting for the following purposes:

☐ 1. To discuss the results of the multifactored evaluation, share other information the school may have about your child, and provide an opportunity for you to contribute additional information.

☐ 2. To determine your child's educational needs, and develop goals and objectives to meet your child's needs.

☐ 3. If your child is eligible for special education services, we will, together with you, determine if special education services are necessary. If special education services are necessary, we will write an IEP and determine where those services should be delivered to meet your child's needs.

☐ 4. If your child is preschool age, we will discuss transition from early childhood to school-age programs.

☐ 5. If your child is 14 (or younger, if appropriate), we will discuss transition from high school to post-high school activities.

The meeting is scheduled for ________________ (Date) at ____________ (Time) at
____________________________ (Location).

Other people in attendance may include

(Name/Title)	(Name/Title)
(Name/Title)	(Name/Title)
(Name/Title)	(Name/Title)

If we will be discussing transition activities, we will invite a representative(s) from the following agency(ies).

(Agency)	(Agency)

Your attendance and participation is especially encouraged, as it is critical to have your input. Please plan to attend this meeting. You may bring others who you feel can assist in this important planning for your child. If you do not attend, you will receive a copy of the IEP within 30 days after the meeting with a request for your approval and signature.

If you have any questions, or need additional information, please contact

Name	Telephone Number

PLEASE RETURN THE ATTACHED PAGE (FORM CI-209)

Copies: Student File
IEP Participants

IEP-603

INVITATION TO PERIODIC REVIEW INDIVIDUALIZED EDUCATION PROGRAM (IEP) MEETING

Name of Child ______________________________ Date Sent ____/____/____

Dear Parent:

At the time you gave consent for a multifactored evaluation, you were informed that you would be an equal participant in the meeting(s) to determine your child's educational program. This letter serves as an invitation to a meeting for the following purposes:

☐ 1. To review your child's IEP, present evaluation data, share other information the school may have about your child, and provide an opportunity for you to contribute additional information.

☐ 2. To determine your child's educational needs, and develop goals and objectives to meet your child's needs.

☐ 3. Together with you, we will determine if special education services continue to be appropriate. If special education services are necessary, we will write an IEP and determine where those services should be delivered to meet your child's needs.

☐ 4. If your child is preschool age, we will discuss transition from early childhood to school-age programs.

☐ 5. If your child is 14 (or younger, if appropriate), we will discuss transition from high school to post-high school activities.

☐ 6. If your child is 17 or has reached the age of majority, a notice of the transfer of rights from the parent to student will be discussed.

☐ 7. Determine what, if any, additional information is needed for the scheduled 3-year reevaluation, and secure your consent for additional testing, if necessary.

The meeting is scheduled for ______________________ (Date), at ______________ (Time), at

____ (Location).

Other people in attendance may include

(Name/Title)	(Name/Title)
(Name/Title)	(Name/Title)
(Name/Title)	(Name/Title)

If we will be discussing transition activities, we will invite a representative(s) from the following agency(ies).

(Agency)	(Agency)

Your attendance and participation is especially encouraged, as it is critical to have your input. Please plan to attend this meeting. You may bring others who you feel can assist in this important planning for your child. If you do not attend, you will receive a copy of the IEP within 30 days after the meeting.

If you have any questions, or need additional information, please contact

Name	Phone Number

PLEASE RETURN THE ATTACHED PAGE (Form CI-209)

IEP-604❖

Copies: Student File
IEP Participants

INVITATION TO IEP MEETING (OTHER AGENCIES)

Name of Student______________________________ Date of Birth____/____/____

Date Sent______________

To Agency Representative:

The Individuals with Disabilities Education Act (IDEA) requires that school districts invite to IEP meetings representatives from agencies that are likely to be responsible for providing or paying for transition services for students exiting school.

Your agency has been identified as a likely transition service provider as the student moves from school to post-school activities.

The meeting is scheduled for ______________________ (Date), at ______________ (Time), at ______________________________________ (Location).

If you require additional information, please contact ____________________ at __________.

Please return the bottom portion to ______________________________________

at ____.

* * *

Name of Agency Representative: ______________________________________

Agency Address: ______________________________________

Name of Student: ______________________________________

☐ I will attend the meeting at the date and time given above.

☐ I cannot attend the meeting at the date and time given above, and suggest the following steps to obtain my participation or input:

____

____

____

☐ Other comments:______________________________________

____

____

❖**Denotes optional procedure/form, if copy of IEP-602 or IEP-603 is sent to agency**

IEP-605

Copies: Student File
IEP Participants

STUDENT INVITATION TO IEP/TRANSITION MEETING

Date ______

____
(Name of Student)

You are invited to a meeting to discuss what services you need as you move from school to post-school activities.

We would like to know what you want to do and where you see yourself in the future. This will be considered as we develop a plan.

On the next page, you will find the time, date, and place of the meeting, and who will be at the meeting.

If you would like to know more, or would like someone to discuss these plans with your parents, please see ______________________________.
(Name/Title)

Your parents will also be invited to attend this meeting.

Attached: Form IEP-602 or IEP-603
Invitation to Individualized Education Program (IEP) Meeting

IEP SEQUENCE

During the Individualized Education Program (IEP) meeting, the team shall document that special factors have been considered based on assessments/evaluations completed prior to the IEP meeting.

Step 1 Discuss Vision: Future Planning

The IEP team will discuss and develop a vision for the child in his or her school/home community that will assist in planning the child's future. Everyone has dreams for the future, which guide actions, thoughts, and plans. Family and student preferences and interests are an essential part of the visioning process.

Step 2 Discuss Present Levels of Performance

The IEP team will review and document relevant data on the child (e.g., progress on current IEP, evaluation team report, family and student input, interventions, assessments, observations, special factors). This information provides a "picture" of the child, including student strengths and needs.

Note: Determine if a reevaluation is needed. If needed, follow the reevaluation procedures.

Step 3 Identify Specialized Needs for this IEP

The IEP team will determine the area(s) of the child's specialized needs using the vision and present levels of educational performance.

Step 4 Identify Measurable Goals, Objectives, and Assessment Procedures

The IEP team will develop annual measurable goals and objectives or benchmarks, with accompanying assessment procedures, which enable the child, to the extent appropriate, to be involved with and progress in the general curriculum and to determine what services are necessary to meet the child's needs.

Step 5 Identify Needed Services

The IEP team decides what special education and related services, as well as the amount of services that will be necessary to implement the goal(s). This statement also includes the supplementary aids and services to be provided to the child, or on behalf of the child. Accommodations/modifications/assistive devices and statement of program modifications or supports for school personnel needed for the child to progress within the general curriculum and to participate in extracurricular and other nonacademic activities must also be included.

Step 6 Determine Least Restrictive Environment (LRE)

Each child's placement is presumed first to be the general education environment. If the team determines that a different setting is needed for any service delivery, for each instance, the IEP team will provide an explanation of the extent, if any, to which the child is not participating with nondisabled children.

---

*As used in this part, the term "IEP team" means a group of individuals described in §300.344 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

IEP-607
Page 1 of _____

☐ **Services Plan**

Individualized Education Program (IEP)

Name ______________________ Date of Birth ____/____/____ Grade Level __________ ☐ Male ☐ Female
Student Identification Number ____________________
Child/Student Address ______________________________ Parent/Guardian ____________________
Parent Address ______________________________ Home Phone __________ Work Phone __________
Effective Dates from __________ to __________ Meeting Date __________ ☐ Initial IEP ☐ Periodic Review
District of Residence ____________________ District of Service ____________________

Step 1 **Discuss Vision:** ***Future Planning.***

Step 2 **Discuss Present Levels of Performance.**

IEP-607
Page _____ of _____

Discuss and Document a Statement of Needed Transition Services

Name of Student ______________________ Date _____________ Person(s) Responsible for Coordinating Transition Services ______________

Write a statement of transition service needs that focus on the student's courses of study during his/her secondary school experiences (beginning at age 14 or younger, if appropriate).

- Long-term Outcomes – What is the vision for the student exiting education?
- Activities and Services – What needs to be accomplished in one year to support the student in meeting long-term outcomes?
- Activities and services must include community experience.
- If activities and services are instructional based, they must be reflected in goals/objectives of IEP.
- The courses of study during the student's secondary school experiences must support the student's long-term goals.

FOR 16 YEARS AND OLDER			**COMPLETED AFTER IEP DEVELOPMENT**
EMPLOYMENT AND POSTSECONDARY LONG-TERM OUTCOME: ______________			
Current Year Activities and Services	Responsible Person/Provider	Initiation/Duration (Specify Date)	Goals/Objectives that Support Activities/Services
POSTSCHOOL/ADULT LIVING LONG-TERM OUTCOME: ______________			
Current Year Activities and Services	Responsible Person/Provider	Initiation/Duration (Specify Date)	Goals/Objectives that Support Activities/Services
COMMUNITY PARTICIPATION LONG-TERM OUTCOME: ______________			
Current Year Activities and Services	Responsible Person/Provider	Initiation/Duration (Specify Date)	Goals/Objectives that Support Activities/Services

Vocational Evaluation ☐ Needed ☐ Not Needed Date Completed ____________
Functional/Daily Living Evaluation ☐ Needed ☐ Not Needed Date Completed __________

Student's Needs	Annual goals	Objectives
Step 3 **Identify Specialized Needs for this IEP**	**Step 4** **Identify Measurable Goals, Objectives, and Assessment Procedures**	

IEP-607

Page _____ of _____

Step 4 (continued) Assessment of Student Progress					Services	Initiation/ Duration	LRE
Procedures	Who	Criteria	Schedule	Progress			
					Step 5 **Identify Needed Services**		**Step 6** **Determine Least Restrictive Environment (LRE)**

IEP-607
(Page ______ of ______)

STATEWIDE AND DISTRICTWIDE TESTING

Student Name: ______________________________ **Student's Grade:** __________ **Student ID:** ________________

School Year: ______________________________ **IEP Meeting Date:** ______________________________

		STATEWIDE TESTING						DISTRICTWIDE TESTING			
		Required		Exempted							
Areas of Assessment	Grade Level of Test to be Administered	Will Take Test without IEP Accommodations	Will Take Test with IEP Accommodations	Will Take Test without IEP Accommodations	Will Take Test with Allowable IEP Accommodations	Will take test with IEP Extended Accommodations	Alternate Assessment Will Participate in Alternate Assessment	Grade Level of Test to be Administered	Will Take Test without Accommodations	Will Take Test with Accommodations	Will Participate in Alternate Assessment
		B	C	J	K	L	N				
Reading											
Writing											
Math											
Science											
Citizenship											
Work Keys											
ITAC											

ACCOMMODATIONS (for codes C, K, and L)				
	☐ STATEWIDE		☐ DISTRICTWIDE	
Areas	List Accommodations to Statewide Testing	Reasons for Exemption or Alternate Assessment (Check Box)	List Accommodations to Local Testing	How Student will be Assessed in Alternate Assessment
Reading		☐ Substantial modifications in curriculum ☐ Accommodations exceed allowable criteria		
Writing		☐ Substantial modifications in curriculum ☐ Accommodations exceed allowable criteria		
Math		☐ Substantial modifications in curriculum ☐ Accommodations exceed allowable criteria		
Science		☐ Substantial modifications in curriculum ☐ Accommodations exceed allowable criteria		
Citizenship		☐ Substantial modifications in curriculum ☐ Accommodations exceed allowable criteria		
Work Keys				
ITAC				

CC Testing Coordinator
EMIS Coordinator

BEST COPY AVAILABLE

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Page _______ of _______

CHILDREN/STUDENTS WITH VISUAL IMPAIRMENTS

CHILD/STUDENT _______________________________ GRADE LEVEL ________ SERVICE ________________

INSTRUCTIONS: This form shall be completed during the IEP meeting for each child/student who has a visual impairment, as defined by Amended Substitute House Bill Number 164, which requires a statement specifying one or more reading and writing media in which instruction is appropriate to meet the child's/student's educational needs. **A copy of this completed form is part of, and must be attached to, the child's/student's IEP form.**

	Yes	No
1. Annual assessment of reading and writing skills was conducted with each child/student in all media considered appropriate. The results of these assessments are included in "Present Levels of Development/Functioning/Performance" on the IEP and indicate both strengths and weaknesses.	☐	☐
2. The IEP contains a requirement for instruction in Braille reading and writing when that medium is appropriate and is indicated by adding "Standard English Braille" as a special service in Step 4, listing the date initiated and the anticipated duration of services.	☐	☐
3. Instruction in Braille reading and writing was carefully considered for this child/student and pertinent literature describing the educational benefits of instruction in Braille reading and writing was reviewed by the persons developing this child's/student's IEP.	☐	☐
4. The following visual condition(s) was taken into account and discussed in making the above decision:		
Condition is degenerative and progressive loss is expected.	☐	☐
Condition is currently unpredictable in nature and will be reviewed if change in visual condition is noted.	☐	☐
Condition is temporary and expected to improve.	☐	☐
Condition is stable and will be monitored.	☐	☐
5. Indicate the appropriate instructional media		
Standard English Braille	☐	☐
Large Print	☐	☐
Regular Print	☐	☐
Tape/auditory	☐	☐
Pre-reader	☐	☐
6. Complete if Braille reading and writing **ARE** appropriate at this time		
Annual goals provided	☐	☐
Short-term objectives provided	☐	☐
Date of initiation indicated	☐	☐
Frequency and duration of instructional sessions indicated	☐	☐
Level of competency to be achieved annually indicated	☐	☐
Objective determinants used to measure achievement provided	☐	☐
7. Reasons Braille reading and writing **ARE NOT** appropriate this time		
Documented visual acuity allowing the choice of large type/regular type	☐	☐
Child/student is considered a pre-reader	☐	☐
Other	☐	☐

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(Page _______ of _______)

Special Factors

Based on discussions of the information provided regarding relevant special factors, the following is applicable and incorporated into the IEP. (Document that Special Factors have been reviewed based on assessments/evaluations completed prior to the IEP meeting.)

	Incorporated into IEP (Check box)
Behavior: In the case of a student whose behavior impedes his or her learning or that of others.	☐
Limited English proficiency (LEP)	☐
Children/students with **visual impairments** (See IEP page ___)	☐
Communication	☐
Deaf or hard of hearing	☐
Assistive technology services and devices	☐

Other Considerations

Physical education	☐
Extended school year services	☐
Beginning at age 14…transition service needs which focus on the student's courses of study [See IEP page ___]	☐
Transition services statement, no later than age 16 [See IEP page ___]	☐
Testing and assessment programs, including proficiency tests [See IEP page ___]	☐
Transfer of rights beginning at least one year before the student reaches the age of majority under state law (Ohio law is age 18)	☐

Relevant Information/Suggestions (e.g., medical information, other information)

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(Page _______ of _______)
(Last Page)

Name ____________________ IEP summary for effective dates ____________________ Date of next IEP review ____________________

IEP Meeting Participants' Signatures

Parent	Parent	Child/Student's Special Education Teacher/Provider
Child/Student's Regular Education Teacher	District Representative	Child/Student
Other Titles	Other Titles	Other Titles
Other Titles	Other Titles	Other Titles

Asterisk (*) Chairperson of IEP Team

Summary of special education services: ____________________

Consent (For initial placement or change in special education services/placement only)

☐ I give consent to initiate special education and related services specified in this IEP. (The IEP serves as prior notice if there is agreement.)

☐ I give consent to initiate special education and related services specified in this IEP except for ____________________ **

☐ I do not give consent for special education services at this time.**

Parent Signature ____________________ Date: ____________

**If there is not agreement, the district must provide prior notice (PS-401) to the parents.

Parent Notice of Procedural Safeguards

☐ I have received a copy of the parent notice of procedural safeguards; or

☐ I have a current copy of the parent notice of procedural safeguards.

☐ I waive my right to notification of special education and related services by certified mail.

Parent Signature ____________________ Date: ____________

Note: *The student receives notice of procedural safeguards at least one year prior to his/her 18th birthday.*

Student Signature ____________________ *Date:* ____________

Reevaluation (State and federal rules and regulations mandate that every child/student with a disability be reevaluated at least every three years.)

Your child's last MFE was ____________________

The next MFE shall occur by ____________________

You will be invited to participate in this meeting as part of the team. Parent permission is required for reevaluation on PS-402 (if additional assessment is to be conducted).

When and How Parents will be Informed of Progress:

Reason for Placement in Separate Facility (If applicable)
Having considered the continuum of services and the needs of the student, this IEP team has decided that placement in a separate facility is appropriate because:

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PROFICIENCY GUIDELINES FOR COMPLETING FORM IEP-607

1. The *Individuals with Disabilities Education Act (IDEA) Amendments of 1997,* requires that all students with disabilities participate in all state and district-wide assessment programs, including the proficiency test program. Students who do not participate in the statewide assessment program (whether exempted or not exempted), must participate in an **alternate assessment**.

2. All decisions made with regard to student participation in proficiency test programs must be made by the Individualized Education Program (IEP) team. The function of the IEP team is to make one of the following two determinations:

   a. Determine that the student **should not be exempted** from the statewide testing program. This determination should take into account

      (1) Whether the statewide testing program should be administered with accommodations. In this case, the IEP team shall list the accommodations needed; and

      (2) Whether the statewide testing program should be administered without accommodations.

   b. Determine that the student **should be exempted** from the statewide testing program. Students exempt by the IEP team from taking the Ohio Proficiency Test may **choose** to take the Ohio Proficiency Test. In this case,

      (1) The student **will participate** in the testing program without IEP accommodations; or

      (2) The student **will participate** in the testing program with allowable IEP accommodations. The IEP team shall list the accommodations needed; or

      (3) The student **will participate** in the testing program with IEP accommodations that exceed established criteria in rule 3301-13-03(H); or

      (4) The student will be exempted and **will not participate** in the statewide testing program. In this case, the student will participate in and be administered an **alternate assessment**.

3. In making the determinations listed in items 2.a. and b. above, the IEP team shall

   a. Determine whether or not accommodations or modifications in assessment should be provided to the student as a means of allowing the student access to assessment activities and opportunity to demonstrate learning and skill competencies. The following guidelines shall be used to determine allowable accommodations and modifications:

      (1) The accommodations or modifications are provided to the student in the classroom on a routine basis;

      (2) The accommodations or modifications do not change the structure or content of the test;

      (3) The accommodations or modifications do not change what the test intends to measure; and

      (4) The accommodations or modifications do not change or enhance the student's response.

   b. Determine whether or not a student will be exempted from one or more of the tests in the Ohio Proficiency Test series at the respective testing level. The student may be exempted if

      (1) The student's curriculum in a particular subject has been substantially altered by the IEP; or

      (2) The student's IEP provides for accommodations or modifications that extend beyond allowable criteria.

4. The IEP team documents that the student passed the Ohio Proficiency Test or met criteria on the alternate assessment, at the designated grade level.

Copies : Parent
Student File

IEP-608

LETTER TO PARENTS FOLLOWING IEP MEETING

Name of Child:______________________________________

As you know, on ____________________, a meeting was held to review evaluation information
(Date)
and determine your child's educational needs. We are very sorry that you could not attend the meeting.

The purpose of this letter is to:

☐ Provide you with a copy of your child's IEP.

☐ Request that you review the enclosed IEP, sign the copy to grant permission for special education and related services to be provided, and return it in the enclosed envelope.

Please review the enclosed IEP. If you do not agree with the IEP, please contact ______________

____.

☐ The IEP meeting participants determined that your child is not eligible for special education services and will remain in the regular education program.

☐ The participants decided that although your child is eligible for special education, his/her educational needs can best be met in the regular education program.

If you have any questions or concerns, please contact me.

Sincerely,

____
District Representative

____
Telephone Number

PROGRESS REPORT

Parents: This form is used to report on your child's progress on the goals and objectives listed on his/her IEP. Should you have any questions, please do not hesitate to contact your child's special education teacher.

Progress Codes:

M=	Mastered
AP=	Making Adequate Progress
NP=	Not Making Progress
NI=	Goal/Objective Not Yet Introduced

Student:____________________________

School Year:______________

GOALS	OBJECTIVES	PROGRESS CODE				COMMENTS
		1	2	3	4	

Homeroom Teacher:____________________

Special Education Teacher:____________________

Related Services Providers:____________________________

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❖**Denotes optional procedure/form**

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PROGRESS REPORT

Student:____ School Year:____________________

GOALS	OBJECTIVES	PROGRESS CODE				COMMENTS
		1	2	3	4	

❖Denotes optional procedure/form

IEP-610❖

Copies: Records Control Officer

REQUEST FOR CONSIDERATION OF SERVICE DELIVERY IN ANOTHER SCHOOL DISTRICT OR OTHER EDUCATIONAL AGENCY

IEP OUT-OF-DISTRICT PLACEMENTS

Date _____/_____/_____

Superintendent:______________________________________
Provider District or Agency:________________________________
Address:____
City, State, Zip Code:____________________________________

Dear __________________________________:

In our ongoing efforts to identify, evaluate, and appropriately serve children with disabilities residing in our district, we are currently evaluating or have evaluated a child whose suspected or identified disability is ____________________. Because your district/agency operates a program for this area of disability, and because we believe your program may be a viable option to consider, we are requesting consideration of services in your program pursuant to Rule 3301-51-02 D.4. of the Rules for the Education of Handicapped Children.

It is important that we communicate regarding this situation soon. Please contact me at

______________________________ or ______________________________
(Telephone) (Address)

at your earliest convenience.

Thank you for your consideration of our request.

Sincerely,

____
Name

____
Title

____
District/Agency

❖Denotes optional procedure/form

SECTION 7: DUE PROCESS PROCEDURES

CONTENTS BY TOPIC

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Complaint Resolution❖ Page 5
Impartial Due Process Hearing Page 6
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Hearing Decision; Appeal Process Page 17
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Attorneys' Fees Page 23

FORMS		*TOPIC*
DP-701	Request for an Administrative Review	*Conflict Resolution*
DP-702	Request for an Impartial Due Process Hearing	*Conflict Resolution/Impartial Due Process Hearing/ Independent Educational Evaluation*
DP-703	Notice of Impartial Due Process Hearing	*Impartial Due Process Hearing*
DP-704	Parent Notification of Agency Request for Impartial Due Process Hearing	*Impartial Due Process Hearing*
DP-705❖	Case Conference Summary	*Conflict Resolution*
DP-706❖	School Checklist for Parent-Initiated Impartial Hearings	*Impartial Due Process Hearing*
DP-707❖	School Checklist for School-Initiated Impartial Hearings	*Impartial Due Process Hearing*
DP-708❖	Parent Checklist for Impartial Hearings	*Impartial Due Process Hearing*

RELATED APPENDICES

None.

ADDITIONAL RESOURCES

Federal Statute: Section 615(e)(4) now found in IDEA, Section 1415(e)

❖Denotes optional procedure/form

SECTION: Due Process Procedures

TOPIC: Conflict Resolution

FEDERAL REGULATION: §300.506 **Mediation.**

(a) *General.* Each public agency shall ensure that procedures are established and implemented to allow parties to disputes involving any matter described in §300.503(a)(1) to resolve the disputes through a mediation process that, at a minimum, must be available whenever a hearing is requested under §§300.507 or 300.520-300.528.

(b) *Requirements.* The procedures must meet the following requirements:

(1) The procedures must ensure that the mediation process—

(i) Is voluntary on the part of the parties;
(ii) Is not used to deny or delay a parent's right to a due process hearing under §300.507, or to deny any other rights afforded under Part B of the Act; and
(iii) Is conducted by a qualified and impartial mediator who is trained in effective mediation techniques.

(2) (i) The State shall maintain a list of individuals who are qualified mediators and knowledgeable in laws and regulations relating to the provision of special education and related services.
(ii) If a mediator is not selected on a random (e.g., a rotation) basis from the list described in paragraph (b)(2)(i) of this section, both parties must be involved in selecting the mediator and agree with the selection of the individual who will mediate.

(3) The State shall bear the cost of the mediation process, including the costs of meetings described in paragraph (d) of this section.
(4) Each session in the mediation process must be scheduled in a timely manner and must be held in a location that is convenient to the parties to the dispute.
(5) An agreement reached by the parties to the dispute in the mediation process must be set forth in a written mediation agreement.
(6) Discussions that occur during the mediation process must be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings, and the parties to the mediation process may be required to sign a confidentiality pledge prior to the commencement of the process.

(c) *Impartiality of mediator.*

(1) An individual who serves as a mediator under this part—

(i) May not be an employee of—

(A) Any LEA or any State agency described under §300.194; or
(B) An SEA that is providing direct services to a child who is the subject of the mediation process; and

(ii) Must not have a personal or professional conflict of interest.

(2) A person who otherwise qualifies as a mediator is not an employee of an LEA or State agency described under §300.194 solely because he or she is paid by the agency to serve as a mediator.

(d) *Meeting to encourage mediation.*

(1) A public agency may establish procedures to require parents who elect not to use the mediation process to meet, at a time and location convenient to the parents, with a disinterested party—

(i) Who is under contract with a parent training and information center or community parent resource center in the State established under section 682 or 683 of the Act, or an appropriate alternative dispute resolution entity; and
(ii) Who would explain the benefits of the mediation process, and encourage the parents to use the process.

(2) A public agency may not deny or delay a parent's right to a due process hearing under §300.507 if the parent fails to participate in the meeting described in paragraph (d)(1) of this section.

STATE RULE:

Conflict resolution.

Conflict resolution is recommended, but cannot be used to delay or deny an impartial due process hearing that has been requested in writing. In many cases, conflict resolution may lead to resolution of differences without the development of an adversarial relationship. The steps in conflict resolution include:

A. Case conference — Case conference procedures are informal procedures ordinarily used in the evaluation, placement, and periodic review process to provide the parents and the school district an opportunity to review and interpret information regarding the child and his or her IEP and to resolve problems encountered during this process.

B. Administrative review — The child's parent or educational agency other than the school district may request an opportunity to present complaints to the superintendent regarding the evaluation or educational placement of the child or the provision of special education.

(1) Upon receipt of a complaint, the superintendent, without undue delay and at a time and place convenient to all parties, shall conduct a review, may hold an administrative hearing, and shall notify all parties in writing of his or her decision within twenty days.
(2) Every effort should be made in the review to resolve any disagreements.
(3) All parties have the right to invite others to participate in the administrative review, including legal counsel.

C. Mediation

(1) If efforts to resolve an issue have failed at the school district level, a representative designated by the Division may mediate a dispute if agreed to by both parties.
(2) The school district will arrange a time for the mediation in the school's geographical area mutually agreeable to the parent, school personnel, and the representative from the state.
(3) Discussions occurring during the mediation session must be confidential, and no part of the mediation conference may be electronically recorded.
(4) The mediator may not be called as a witness in future proceedings.
(5) The designated agency involved in the dispute must send a representative who has the authority to commit resources.
(6) If the mediation requires changes in the IEP, an IEP team must be convened within twenty school days following the mediation agreement or within a time frame otherwise agreed to in the mediation agreement to incorporate changes into the IEP.
(7) When the mediation conference results in the resolution of a dispute, each party must receive a signed copy of the agreement at the conclusion of the mediation conference. If a hearing has been requested, the party requesting the hearing will submit a letter to the local educational agency withdrawing the request.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Conflict resolution is recommended, but cannot be used to delay or deny an impartial due process hearing that has been requested in writing. In many cases, conflict resolution may lead to resolution of differences without the development of an adversarial relationship. The steps in conflict resolution include:		Superintendent or designee	Prior to hearing

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
a. **Case Conference:** When requested in writing or verbally by a parent, educational agency, or school district staff, the school district, if they agree that a case conference would be appropriate, will make arrangements for a case conference to be scheduled at a time convenient to all participating parties. Participants of case conferences should include all stakeholders who will be affected by the decision. If the request for case conference is verbal, arrangements should be made immediately to secure confirmation in writing. If issues involved in the case conference cannot be resolved, any of the parties involved may request an administrative review, mediation, or an impartial due process hearing. A summary of the case conference may be placed in the child's record and shared with the parent.	Letter or memorandum and Form DP-705❖	Special education director or coordinator or principal	Without undue delay (within 10 calendar days)
b. **Administrative Review:** When requested in writing or verbally by a parent or educational agency, the school district of residence will make arrangements for an administrative review to be scheduled at a time convenient to all participating parties. If the request for administrative review is verbal, arrangements should be made immediately to secure confirmation in writing. There is a 20-day limit measured from the date and time the initial request was received. The administrative review shall be conducted by the superintendent or his/her designee of the school district of residence and scheduled at a time and place convenient to all parties. (1) Upon receipt of a complaint, the superintendent, without undue delay and at a time and place convenient to all parties, must conduct an administrative review, and shall notify all parties in writing of his or her decision within 20 days. A copy of this decision shall be placed in the child's file. (2) Every effort should be made in the review to resolve any disagreements. (3) All parties have the right to invite others to participate in the administrative review, including legal counsel.	Form DP-701 Decision letter	Superintendent or designee of district of residence	Decision within 20 days of request
c. **Mediation:** Mediation may not be used to delay or deny an impartial hearing that has been requested. If both parties agree, a representative designated by the Division may be asked to mediate the dispute by contacting the assistant director for Procedural Safeguards and Support Services, Division of Special Education, 933 High Street, Worthington, Ohio 43085. Mediation will be offered to both parties, upon receipt of a due process hearing request, by Division of Special Education staff.	Letter or Phone	Division of Special Education staff	Prior to impartial hearing

❖Denotes optional procedure/form

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
(1) The school district will arrange a time for the mediation in the school's geographical area mutually agreeable to the parent, school personnel, and the representative from the State.	Date of mediation conference	Ohio Department of Education	
(2) Discussions occurring during the mediation session shall be confidential, and no part of the mediation conference shall be electronically recorded.			
(3) The mediator may not be called as a witness in future proceedings.			
(4) The designated agency involved in the dispute shall send a representative who has the authority to commit resources.			
(5) If the mediation requires changes in the IEP, an IEP team shall be convened to incorporate changes into the IEP within twenty days, or as agreed to in the mediation settlement.	Mediation agreement and Form IEP-607		
(6) When the mediation conference results in the resolution of a dispute, each party shall receive a signed copy of the agreement at the conclusion of the mediation conference.	Mediation agreement	Ohio Department of Education mediator	At conclusion of mediation conference
(7) If a due process hearing has been requested, the party requesting the hearing will withdraw the request for a hearing as part of the mediation agreement or by submitting a letter to the school district withdrawing the request.	Letter or mediation agreement	Initiating party	
(8) If an agreement is reached and an impartial due process hearing officer has already been appointed, the district will submit to the impartial hearing officer (IHO) either a copy of the mediation agreement or a copy of the letter of withdrawal received by the school district. The school district and parent will implement all terms of the agreement.	Mediation agreement document	Superintendent or designee	Immediately, if required
(9) If an agreement is reached and an impartial due process hearing was not requested, the school and parent will implement all terms of the agreement.	Mediation agreement document	Superintendent or designee	Immediately, if required
(10) If any issues are unresolved, the school district will continue with arrangements for the due process hearing if it had been requested, or process a request for a due process hearing if either party wishes to pursue the issues.	Form DP-702	Superintendent or designee	Immediately, if required

SECTION: Due Process Procedures

TOPIC: Complaint Resolution❖

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Upon receipt of a written complaint, a consultant will be assigned by the Ohio Department of Education (ODE) and will contact the complainant and the school district. Depending on the nature of the issues identified in the letter of complaint, the consultant may offer mediation provided by a trained mediator or Early Complaint Resolution (ECR) by giving the complainant and the school district the opportunity to resolve the issues with assistance from the Ohio Department of Education, Division of Special Education/Division of Early Childhood Education before an investigation is begun. (Refer to Section 4: Procedural Safeguards, Complaint Procedures, beginning on page 12). 2. Early Complaint Resolution is not a substitute for the ODE's compliance activities. It in no way limits ODE's right or responsibility to review institutional policies and practices or to investigate complaints when the parties do not wish to attempt early resolution or when resolution is not achieved. The time lines will be extended if both parties agree.	Written letter of closure	Ohio Department of Education	Within 60 days of receipt

❖Denotes optional procedure/form

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FEDERAL REGULATION: §§300.403, 300.457, 300.507, and 300.508

§300.403 Placement of children by parents if FAPE is at issue.

(a) *General.* This part does not require an LEA to pay for the cost of education, including special education and related services, of a child with a disability at a private school or facility if that agency made FAPE available to the child and the parents elected to place the child in a private school or facility. However, the public agency shall include that child in the population whose needs are addressed consistent with §§300.450-300.462.

(b) *Disagreements about FAPE.* Disagreements between a parent and a public agency regarding the availability of a program appropriate for the child, and the question of financial responsibility, are subject to the due process procedures of §§300.500-300.517.

§300.457 Complaints.

(a) *Due process inapplicable.* The procedures in §§300.504-300.515 do not apply to complaints that an LEA has failed to meet the requirements of §§300.452-300.462, including the provision of services indicated on the child's services plan.

(b) *Due process applicable.* The procedures in §§300.504-300.515 do apply to complaints that an LEA has failed to meet the requirements of §300.451, including the requirements of §§300.530-300.543.

§300.507 Impartial due process hearing; parent notice.

(a) *General.*

(1) A parent or a public agency may initiate a hearing on any of the matters described in §300.503 (a)(1) and (2) (relating to the identification, evaluation or educational placement of a child with a disability, or the provision of FAPE to the child).
(2) When a hearing is initiated under paragraph (a)(1) of this section, the public agency shall inform the parents of the availability of mediation described in §300.506.
(3) The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if—

(i) The parent requests the information; or
(ii) The parent or the agency initiates a hearing under this section.

(b) *Agency responsible for conducting hearing.* The hearing described in paragraph (a) of this section must be conducted by the SEA or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the SEA.

(c) *Parent notice to the public agency.*

(1) *General.* The public agency must have procedures that require the parent of a child with a disability or the attorney representing the child, to provide notice (which must remain confidential) to the public agency in a request for a hearing under paragraph (a)(1) of this section.

(2) *Content of parent notice.* The notice required in paragraph (c)(1) of this section must include—

(i) The name of the child;
(ii) The address of the residence of the child;
(iii) The name of the school the child is attending;
(iv) A description of the nature of the problem of the child relating to the proposed or refused initiation or change, including facts relating to the problem; and
(v) A proposed resolution of the problem to the extent known and available to the parents at the time.

(3) *Model form to assist parents.* Each SEA shall develop a model form to assist parents in filing a request for due process that includes the information required in paragraphs (c)(1) and (2) of this section.

(4) *Right to due process hearing.* A public agency may not deny or delay a parent's right to a due process hearing for failure to provide the notice required in paragraphs (c)(1) and (2) of this section.

§300.508 Impartial hearing officer.

(a) A hearing may not be conducted—

- (1) By a person who is an employee of the State agency or the LEA that is involved in the education or care of the child; or
- (2) By any person having a personal or professional interest that would conflict with his or her objectivity in the hearing.

(b) A person who otherwise qualifies to conduct a hearing under paragraph (a) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

(c) Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

STATE RULE:

Applicability of due process hearing.

A. Each school district shall develop and implement written procedures which afford parents and other educational agencies an opportunity to have an impartial due process hearing in accordance with these rules.

B. An impartial due process hearing may be requested at any time the school district or other educational agency:

- (1) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child; or
- (2) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

Initiating a due process hearing.

A. An impartial due process hearing may be initiated by the school district of residence of the child, the parent, or the school district or other educational agency providing the special education and related services.

B. If the school district of residence, the parent, or the school district or other educational agency providing the special education and related services requests the hearing, they shall do so in writing to the superintendent of the school district of residence.

C. If the hearing has been requested by someone other than the child's parent, the parent shall be informed in writing of the request and shall be invited to participate in the proceedings and shall receive copies of all communications between the school district and hearing officer.

D. The school district of residence may initiate a hearing by notifying, in writing, the parent and the school district or other educational agency providing or refusing to provide the special education and related services.

E. All requests initiating hearings should specify, in writing, the specific issues to be resolved. If the party initiating the hearing does not specify the issues, the impartial hearing officer shall seek additional information and clarify the issues prior to the disclosure conference.

F. When the superintendent of a school district receives a request for a due process hearing, the superintendent shall immediately time stamp the request and send a copy of the request to the Director, Division of Special Education (the Division), Ohio Department of Education. Once the district receives a request for a due process hearing, the district must adhere to all timelines set forth in this rule.

G. If a hearing is initiated or if the parent requests the information, the school district shall inform the parent of any free or low-cost legal and other relevant services available in the area.

Selection of impartial hearing officer or state level review officer.

A. The Division shall maintain a list of attorneys who serve as hearing officers or state level review officers and a statement of qualifications of each.

B. Upon receipt of a request for a due process hearing, the Division will develop a list of three impartial hearing officers taking into consideration geography of the parties and availability of hearing officers. The Division will send the list and a statement of the qualifications of each hearing officer by certified mail to both the parent and the district who will have the opportunity to agree upon a hearing officer. When a hearing officer is chosen, the school district will immediately notify the Division of the selection. If the parties involved cannot agree on a hearing officer or if notice of a selection of a hearing officer is not received within ten calendar days of the certified mailing by the Division, the Division will appoint the hearing officer from the list of three hearing officers.

STATE RULE: (Continued)

Qualifications of impartial hearing officer or state level review officer.

A. A hearing or state level review will be conducted by an attorney licensed to practice law in Ohio who has completed all training required by the Division.

B. No hearing or state level review officer may be an employee of a public agency involved in the education or care of the child under consideration. No hearing or state level review officer may have any personal or professional interest that would conflict with the officer's objectivity at the hearing.

C. A person who otherwise qualifies to conduct a hearing or review under this rule is not an employee of the school district or the Ohio Department of Education.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A request for an impartial due process hearing shall be made either by letter or by completing Form DP-702, and should give specific details of the issue(s) to be addressed, as well as a proposed resolution for the issue(s). (A school district may not deny or delay a parent's right to a due process hearing for failure to provide the notice required under this section.) If the party, however, initiating the hearing does not specify the issue(s), the impartial hearing officer (IHO) may seek additional information and clarify the issue(s) prior to the disclosure conference.	Form DP-702, or DP-703, or letter	Superintendent or designee	Immediately
2. The following parties may file a request for due process:			
a. The parent;	Form DP-702		
b. School district of service;	Form DP-702		
c. Other educational agency; and	Form DP-702		
d. School district of residence.	Form DP-703		
3. All requests shall be directed to the superintendent of the school district of residence.			
4. Upon receipt of a request for a due process hearing, the superintendent shall:	Form DP-706❖		
a. Immediately time stamp the due process request and send a copy of the request to the Director, Division of Special Education (hereafter referred to as the Division), Ohio Department of Education.			
b. Upon receipt of a request for a due process hearing, the Division will develop a list of three impartial due process hearing officers. The Division will then send this list (by certified mail), along with a statement of the qualifications of each hearing officer, to the parties involved in a due process hearing.			

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. The parties involved will mutually agree upon a hearing officer and notify the Division of their agreed upon officer within ten calendar days of the certified mailing by the Division.			Ten calendar days from date of certified mailing
d. If the parties involved cannot agree on a hearing officer or if notice of a selection of a hearing officer is not received within ten calendar days of the certified mailing by the Division, the Division will appoint the hearing officer from the list of three hearing officers.		The Division	
5. If a due process hearing is initiated, or if the parent requests the information, the school district shall inform the parent of any free or low-cost legal and other relevant services available in the area.		Superintendent or designee	Ten calendar days from date of certified mailing
6. If another school district or educational agency initiates a due process hearing, the parent shall be informed, in writing, of the request and shall be invited to participate in the proceedings and shall receive copies of all communication between the school district and hearing officer. The parent shall also receive the following documents:		Superintendent or designee	Immediately
a. A copy of Form DP-702 completed by the agency or district initiating the impartial hearing;	Form DP-702		
b. The Parent Checklist for Impartial Hearings;	Form DP-708❖		
c. Information regarding free or low-cost legal and other relevant services available in the area; and	Copy of information regarding free or low-cost legal services		
d. A copy of Form DP-704.	Form DP-704		
. If the school district of residence initiates an impartial hearing, the district shall inform the parent by completing Form DP-704, and shall invite the parent to participate in the proceedings. The parent and/or school district or other educational agency shall also receive copies of all communications between the school district of residence and the hearing officer. The parent shall also receive the following documents:	Form DP-704	Superintendent or designee	Immediately
a. A copy of Form DP-703;	Form DP-703		
b. The Parent Checklist for Impartial Hearings; and	Form DP-708❖		

❖**Denotes optional procedure/form**

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
c. Information regarding free or low-cost legal and other relevant services available in the area.	Copy of information regarding free or low-cost legal services		
8. Once a hearing officer is selected, the Division provides the hearing officer with the following information:	Letter Forms DP-706❖ and DP-707❖		
a. An appointment letter, which includes the name, address, and phone numbers of all parties;			
b. A copy of the written request for an impartial due process hearing, specifying the reason(s) for the hearing, as well as the proposed resolution for the issue(s); and			
c. The time line for completion of the hearing, indicating that the hearing, including the submission of the final report, must be completed within forty-five days from the date of the request for an impartial due process hearing, unless an extension of the hearing is granted by the impartial hearing officer or state level review officer (SLRO) upon request by either party. The extension must be documented in the record.			Forty-five days from request, unless extension is granted by IHO
9. Once a hearing officer is selected, the district of residence contacts the hearing officer and provides him/her with the name, telephone number, and address of the superintendent/designee who will assist the IHO in arranging facilities, supplies, equipment, and reimbursement.			
❖10. Discuss with the parent and school district the option of participation in mediation with a representative from the Division. If a mediation conference is agreed to, carry out the procedures described under Mediation on pages 1-4 of this section.	Forms DP-706❖ and DP-707❖	Superintendent or designee	Immediately
Note: Due process procedures outlined in this section do not apply to the provision of special education and related services when the school district has agreed to provide through the services plan for a child who is enrolled by their parent(s) in a nonpublic school. However, a parent of a child with a suspected disability, or a child identified as disabled who is enrolled in a nonpublic school, may initiate a due process hearing regarding location, identification, evaluation, and availability of a free appropriate public education (FAPE) provided to the child by the school district prior to the child's enrollment in the nonpublic school.			

❖Denotes optional procedure/form

FEDERAL REGULATION: §300.509 **Hearing rights.**

(a) *General.* Any party to a hearing conducted pursuant to §§300.507 or 300.520 -300.528, or an appeal conducted pursuant to §300.510, has the right to—

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least 5 business days before the hearing;
(4) Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing; and
(5) Obtain written, or, at the option of the parents, electronic findings of fact and decisions.

(b) *Additional disclosure of information.*

(1) At least 5 business days prior to a hearing conducted pursuant to §300.507(a), each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.
(2) A hearing officer may bar any party that fails to comply with paragraph (b)(1) of this section from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(c) *Parental rights at hearings.*

(1) Parents involved in hearings must be given the right to—

(i) Have the child who is the subject of the hearing present; and
(ii) Open the hearing to the public.

(2) The record of the hearing and the findings of fact and decisions described in paragraph (a)(4) and (a)(5) of this section must be provided at no cost to parents.

(d) *Findings and decision to advisory panel and general public.* The public agency, after deleting any personally identifiable information, shall—

(1) Transmit the finding and decisions referred to in paragraph (a)(5) of this section to the State advisory panel established under §300.650; and
(2) Make those findings and decisions available to the public.

STATE RULE:

Responsibilities of hearing officer.

A. The impartial hearing officer shall inform the parties in an impartial due process hearing of their rights to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge of or training in the problems of handicapped children;
(2) Present evidence and confront, cross-examine, and compel the attendance of witnesses whose testimony is relevant, necessary and material;
(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
(4) Obtain written, or at the option of the parents, electronic verbatim record of the hearing;
(5) Obtain written, or, at the option of the parents, electronic findings of fact and decisions;
(6) Have access to all educational records; and
(7) Be informed of how to appeal decisions.

STATE RULE: (Continued)

B. The impartial hearing officer shall inform the parent involved in hearings of the right to:

(1) Have the child who is the subject of the hearing present,
(2) Open the hearing to the public, and
(3) Receive notices in written language understandable to the public and provided in the native language of the parent or other mode of communication to assure that the parent understands the notice. All hearings and appeals procedures shall be provided in the parent's native language or other mode of communication.

C. Parties to an impartial due process hearing must be informed by the hearing officer of their rights relative to the hearing process sufficiently in advance of the hearing to provide adequate understanding and preparation.

D. Responsibilities of hearing officer

The hearing officer:

(1) Notifies all parties of the date, time and location of the hearing and their rights relative to the hearing;
(2) Notifies, by certified mail, all witnesses compelled to testify at the hearing;
(3) Arranges a conference between the parties at least five days prior to the hearing to assure that information to be presented is disclosed;
(4) Issues, upon showing that a proposed witness' testimony is relevant, necessary and material, a subpoena or a subpoena duces tecum to compel that the production of any books, records or papers be directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case. Fees and mileage shall be paid by the party requesting the subpoena;
(5) Denies the request for a subpoena if a witness:

    (a) Has no direct knowledge of the child;
    (b) Is not in a position to be aware of the specified proposed placement or stipulated issues to be resolved;
    (c) Is called to attest a fact uncontested or to corroborate another's testimony which can be provided by affidavit;
    (d) Is called to verify the authenticity or existence of a document, law, regulation, rule or policy which can be verified by affidavit; or
    (e) Would, by being compelled to attend, not be reasonably expected to provide information material to the stipulated issues;

(6) Provides an opportunity for evidence to be presented and witnesses to be confronted or cross-examined;
(7) Decides on procedural issues presented at the hearing;
(8) Orders an independent evaluation at public expense if the hearing officer should require such for the purposes of resolving any stipulated issue; and
(9) Arrives at a written decision based solely on evidence and testimony presented at the hearing no later than forty-five days after the receipt of a request for a hearing and communicates such decision to the parties involved, unless specific extensions have been made by the hearing officer upon request by either party.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The impartial hearing officer ensures parties are informed regarding their right to: a. Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities. b. Present evidence, cross-examine, and compel attendance of witnesses. c. Prohibit introduction of evidence not disclosed at least five business days before the hearing.		IHO	Prior to impartial hearing

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
d. Obtain a written, or, at the option of the parents, electronic, verbatim record of the hearing, which must be provided to parents free of charge.			
e. Obtain one copy of the written, or, at the option of the parents, electronic findings of fact and decisions (copies are provided to the state advisory panel and made available to the public).			
f. Have each party disclose, at least five business days prior to a hearing (refer to pages 6-10 of this section), to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing.			
g. Be informed that a hearing officer may bar any party that fails to comply with paragraph 1.f. of this section from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.			
h. Have access to all educational records (refer to Section 3: Confidentiality, pages 1-3).			
i. Be informed of the appeals process (refer to pages 17-20 of this section).			
j. Receive notices in written language understandable to the public and provided in the native language of the parent or other mode of communication to assure that the parent understands the notice. All hearings and appeals procedures shall be provided in the parent's native language or other mode of communication.			
k. Have the child who is the subject of the hearing present at the hearing, and to open the hearing to the public.			
Note: All of the above are parent rights.			
2. Parties to an impartial hearing must be informed by the hearing officer of their rights relative to the hearing process, sufficiently in advance of the hearing, to provide adequate understanding and preparation.		IHO	Prior to impartial hearing
3. The impartial hearing officer has the responsibility of—		IHO	Before, during, and after impartial hearing
a. Notifying all parties of the date, time, and location of the hearing;			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. Notifying, by certified mail, all witnesses compelled to testify at the hearing;			
c. Arranging a conference between the parties at least five business days prior to the hearing to assure that information to be presented is disclosed;			
d. Issuing a subpoena or a subpoena duces tecum when relevant, necessary, and material (fees and mileage shall be paid by the party requesting the subpoena);			
e. Denying the request for a subpoena if a witness: (1) Has no direct knowledge of the child; (2) Is not in a position to be aware of the specified proposed placement or stipulated issues to be resolved; (3) Is called to attest a fact uncontested or to corroborate another's testimony which can be provided by affidavit; (4) Is called to verify the authenticity or existence of a document, law, regulation, rule, or policy which can be verified by affidavit; or (5) Would not be reasonably expected to provide information material to the stipulated issues, by being compelled to attend;			
f. Providing an opportunity for evidence to be presented and witnesses to be confronted or cross-examined;			
g. Ruling on procedural issues presented at the hearing;			
h. Ordering an independent evaluation at public expense for the purposes of resolving any stipulated issue; and			
i. Arriving at a written decision based solely on evidence and testimony presented at the hearing no later than forty-five days after the receipt of a request for a hearing and mailing such decision to the parties involved and the Division unless specific extensions have been made upon the request of either party.	Written decision		Forty-five days, unless specific extensions have been made upon the request of either party

SECTION: Due Process Procedures

TOPIC: Time Lines

FEDERAL REGULATION: §300.511 **Timelines and convenience of hearings and reviews.**

(a) The public agency shall ensure that not later than 45 days after the receipt of a request for a hearing—

(1) A final decision is reached in the hearing; and
(2) A copy of the decision is mailed to each of the parties.

(b) The SEA shall ensure that not later than 30 days after the receipt of a request for a review—

(1) A final decision is reached in the review; and
(2) A copy of the decision is mailed to each of the parties.

(c) A hearing or reviewing officer may grant specific extensions of time beyond the periods set out in paragraphs (a) and (b) of this section at the request of either party.

(d) Each hearing and each review involving oral arguments must be conducted at a time and place that is reasonably convenient to the parents and child involved.

STATE RULE:

Timelines and convenience of hearings.

A. Each school district shall adopt written procedures to insure that, not later than forty-five days after the receipt of a request for a hearing, a final decision is reached and a copy is mailed to each of the parties and the Division.

B. A hearing officer is responsible for assuring compliance with required deadlines but may grant specific extensions of time beyond the forty-five days at the written request of either party.

C. When an extension is granted, it will be entered in the record and the parties and the Division will be informed of the basis for the extension, the length of the extension, and the new date for rendering the final decision.

D. The division will monitor the timelines for due process hearings and will contact hearing officers when timelines are not met. Hearing officers who fail to meet timelines may be removed from consideration for future assignments. The granting of an extension of time beyond the forty-five days at the request of either party pursuant to paragraph (G)(5)(b) of this rule shall not be considered to be a failure to meet timelines.

E. Each hearing involving oral arguments must be conducted at a time and place which is reasonably convenient to the parent and child involved.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. A hearing officer is responsible for assuring compliance with required deadlines, but may grant specific extensions of time beyond the forty-five days by: a. Receiving a written request for an extension from either party;		IHO	Forty-five days

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
b. Granting the request for an extension; c. Informing the Division of the extension, in writing; and d. Entering the request into the record along with the basis for the extension, the length of the extension, and the new date for rendering a final decision.			
2. The district and parent will follow the directives of the IHO whose responsibilities are outlined in the federal regulations and state standard beginning on page 11 of this section.	IHO training manual	Superintendent or designee	As IHO requires
3. The decision of the hearing officer is final, unless a party to the hearing appeals the decision to the State Board of Education.			Within forty-five days of notification of the decision
4. The Division, on behalf of the Board, will appoint a reviewing officer who will review the case and issue a final order in accordance with standards and procedures beginning on page 17 of this section.			

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FEDERAL REGULATION: §§300.510 and 300.512

§300.510 Finality of decision; appeal; impartial review.

(a) *Finality of decision.* A decision made in a hearing conducted pursuant to §§300.507 or 300.520-300.528 is final, except that any party involved in the hearing may appeal the decision under the provisions of paragraph (b) of this section and §300.512.

(b) *Appeal of decisions; impartial review.*

(1) *General.* If the hearing required by §300.507 is conducted by a public agency other than the SEA, any party aggrieved by the findings and decision in the hearing may appeal to the SEA.
(2) *SEA responsibility for review.* If there is an appeal, the SEA shall conduct an impartial review of the hearing. The official conducting the review shall—

(i) Examine the entire hearing record;
(ii) Ensure that the procedures at the hearing were consistent with the requirements of due process;
(iii) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the rights in §300.509 apply;
(iv) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;
(v) Make an independent decision on completion of the review; and
(vi) Give a copy of written, or, at the option of the parents, electronic findings of fact and decisions to the parties.

(c) *Findings and decision to advisory panel and general public.* The SEA, after deleting any personally identifiable information, shall—

(1) Transmit the findings and decisions referred to in paragraph (b)(2)(vi) of this section to the State advisory panel established under §300.650; and
(2) Make those findings and decisions available to the public.

(d) *Finality of review decision.* The decision made by the reviewing official is final unless a party brings a civil action under §300.512.

§300.512 Civil action.

(a) *General.* Any party aggrieved by the findings and decision made under §300.507 or 300.520-300.528 who does not have the right to an appeal under §300.510(b), and any party aggrieved by the findings and decision under §300.510(b), has the right to bring a civil action with respect to the complaint presented pursuant to §300.507. The action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy.

(b) *Additional requirements.* In any action brought under paragraph (a) of this section, the court—

(1) Shall receive the records of the administrative proceedings;
(2) Shall hear additional evidence at the request of a party; and
(3) Basing its decision on the preponderance of the evidence, shall grant the relief that the court determines to be appropriate.

(c) *Jurisdiction of district courts.* The district courts of the United States have jurisdiction of actions brought under section 615 of the Act without regard to the amount in controversy.

(d) *Rule of construction.* Nothing in this part restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, or other Federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws seeking relief that is also available under section 615 of the Act, the procedures under §§300.507 and 300.510 must be exhausted to the same extent as would be required had the action been brought under section 615 of the Act.

STATE RULE:

Appeal.

The decision of the hearing officer is final, unless a party to the hearing appeals the decision. A party aggrieved by the findings and decision of the hearing officer may appeal such decision to the State Board of Education within forty-five days of notification of the decision. The Division, on behalf of the Board, will appoint a reviewing officer who will review the case and issue a final order in accordance with standards and procedures adopted by the Board.

State level review.

A. A party aggrieved by the findings and decision rendered as a result of an impartial due process hearing conducted at the local level may appeal in writing to the State Board of Education.

B. Upon receipt of such an appeal to the State Board of Education, the Division shall appoint a reviewing officer to issue a final order.

C. The reviewing officer shall:

   (1) Examine the entire hearing record;
   (2) Insure that the procedures at the hearing were consistent with the requirements of law;
   (3) Seek additional evidence, if necessary, utilizing the powers and duties of the hearing officer specified in paragraphs (G)(10)(a) to (G)(10)(h) of this rule;
   (4) Afford, at his or her discretion, the parties an opportunity for oral or written argument. If oral argument is involved, it must be conducted at a time and place reasonably convenient to the parent and child involved;
   (5) Make an independent decision upon completion of the review and issue a final order not later than thirty days after the receipt of the appeal by the State Board of Education;
   (6) Grant, when warranted, specific extensions of time beyond the thirty days at the written request of either party, and document the extension in the record;
   (6) Inform the parties and the Division of the basis for the extension, the length of the extension, and the new date for rendering the final decision; and
   (7) Mail a copy of written findings and the final decision to the parties and the Division not later than thirty days after the receipt of the appeal by the State Board of Education unless specific extensions have been granted by the state level review officer upon request by either party.

D. The Division will monitor the timelines for each state level review and will contact the review officer when timelines are not met. Review officers who fail to meet timelines may be removed from consideration for future assignments. The granting of an extension of time beyond the thirty days at the request of either party pursuant to paragraph (G)(13)(c)(vi) of this rule shall not be considered to be a failure to meet timelines.

All decisions rendered in an impartial due process hearing, or at a state level review, shall be in accordance with the rules for special education adopted by the State Board of Education and federal rules and regulations.

Appeal to courts.

A. Any party aggrieved by the final order of the state level review officer may appeal the final order to the following courts:

   (1) The common pleas court of the county of the child's school district of residence, as provided by section 3323.05 of the Revised Code; or

   (2) The federal district court of competent jurisdiction.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. If a party appeals, the state level review officer (SLRO) will conduct an impartial review of the hearing. The officer conducting the review shall:			
a. Examine the entire hearing record;		State level review officer	
b. Ensure procedures at the hearing were consistent with the requirements of law;			
c. Seek additional evidence, if necessary;			
d. Afford parties the opportunity for an oral or written argument, or both, at the discretion of the reviewing official;			
e. Make an independent decision on completion of the review and issue a final order not later than thirty days after the receipt of an appeal by the State Board of Education;	Written decision	State level review officer	
f. Grant specific extensions of time, when warranted, beyond the thirty days at the request of either party and document the extension in the record;			
g. Inform the parties and the Division of the basis for the extension, the length of the extension, and the review date for rendering the final decision; and			
h. Mail a copy of the written findings and final decision to the parties and the Division no later than 30 days after the receipt of the appeal, unless specific extensions have been granted.		State level review officer	30 days from the date of the request
2. The school district and the parent will respond, as appropriate, to a state level review of the IHO's order.			
3. The school district will review any final order of a state level reviewing officer and either		Superintendent or designee	Without undue delay
a. Implement the order if it requires changes of any kind to the actions that were challenged in the review; or			
b. File an appeal in the common pleas court of the county of the school district of residence of the child, or file in the federal district court of competent jurisdiction.			
4. The reviewing official's decision is final, unless a party brings a civil action (refer to Federal Regulation on page 17 of this section).	Written decision	State level review officer	

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
5. Any party aggrieved by the final order of the state level review officer may appeal the final order to either the common pleas court of the county of the child's school district of residence or the federal district court of competent jurisdiction. 6. The district or parent will respond as appropriate to an appeal by the parent or agency/other school district to the state level review order in either the common pleas court of the county of the child's school district of residence or the federal district court of competent jurisdiction.		Superintendent or designee	As defined by Ohio Revised Code 3323.05(f)

SECTION: Due Process Procedures

TOPIC: Child's Status During Proceedings

FEDERAL REGULATION: §300.514 **Child's status during proceedings.**

(a) Except as provided in §300.526, during the pendency of any administrative or judicial proceeding regarding a complaint, under §300.507, unless the State or local agency and the parents of the child agree otherwise, the child involved in the complaint must remain in his or her current educational placement.

(b) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school until the completion of all the proceedings.

(c) If the decision of a hearing officer in a due process hearing conducted by the SEA or a State review official in an administrative appeal agrees with the parents that a change of placement is appropriate, that placement must be treated as an agreement between the State or local agency and the parents for purposes of paragraph (a) of this section.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Placement during the due process hearing.			
a. The child will remain in his or her current educational placement, except for hearings or appeals regarding disciplinary actions (refer to Section 4: Procedural Safeguards, Discipline, beginning on page 22).	IEP and/or notification of due process hearing	Superintendent or designee	Pending any hearing or appeal
b. The school district and parent may agree to a different placement.			
c. If the hearing involves initial admission to school, the child, with parental consent, must be placed in the public school pending completion of the hearing and subsequent appeals.			Immediately
d. During the hearing, the school district can use its normal procedures for children endangering themselves or others (refer to Section 4: Procedural Safeguards, Discipline, beginning on page 22).			
2. Placement during the state level review and subsequent appeals. If the decision by the state level review officer in a state level review agrees with the parents that a change of placement is appropriate, that placement must be treated as an agreement between the State or school district and the parents for the purposes of stay put.			

SECTION: Due Process Procedures

TOPIC: Cost of Hearings

STATE RULE:

Cost of hearings.

A. Costs incurred in impartial due process hearings requested by the parent shall be assumed by the school district of the child's residence, except as follows:

(1) Expert testimony, outside medical evaluation, witness fees, subpoena fees, and cost of counsel will be paid by the party requesting the services.

(2) One copy of the verbatim transcript will be provided the parent at no cost. Additional copies will be paid for by the parent.

B. When a school district or other educational agency providing special education and related services to a child requests the impartial due process hearing, the district or agency will share equally the costs of the hearing with the school district of residence except the costs included in paragraphs (G)(12)(a)(i) and (G)(12)(a)(ii) of this rule.

C. School districts will compensate hearing officers upon invoice at an hourly rate not higher than that established for special counsel for the State of Ohio.

D. The Ohio Department of Education will compensate state level review officers upon invoice at an hourly rate not higher than that established for special counsel for the State of Ohio.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. Costs incurred in impartial due process hearings requested by the parent shall be assumed by the school district of the child's residence, except as follows: (a) Expert testimony, outside medical evaluation, witness fees, subpoena fees, and cost of counsel will be paid by the party requesting the services. (b) One copy of the verbatim or (at the option of the parents) electronic transcript will be provided the parent at no cost. Additional copies will be paid for by the parent.			
2. When a school district or other educational agency providing special education and related services to a child requests the impartial due process hearing, the district or agency will share equally the costs of the hearing with the school district of residence except the costs listed in item 1.(a) and/or (b) above.			
3. School districts will compensate hearing officers upon invoice at an hourly rate not higher than that established for special counsel for the State of Ohio.			
4. The Ohio Department of Education will compensate state level review officers upon invoice at an hourly rate not higher than that established for special counsel for the State of Ohio.			

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SECTION: Due Process Procedures

TOPIC: Attorneys' Fees

FEDERAL REGULATION: §300.513 **Attorneys' fees.**

(a) In any action or proceeding brought under section 615 of the Act, the court, in its discretion, may award reasonable attorneys' fees as part of the costs to the parents of a child with a disability who is the prevailing party.

(b) (1) Funds under Part B of the Act may not be used to pay attorneys' fees or costs of a party related to an action or proceeding under section 615 of the Act and subpart E of this part.

(2) Paragraph (b)(1) of this section does not preclude a public agency from using funds under Part B of the Act for conducting an action or proceeding under section 615 of the Act.

(c) A court awards reasonable attorney's fees under section 615(i)(3) of the Act consistent with the following:

(1) *Determination of amount of attorneys' fees.* Fees awarded under section 615(i)(3) of the Act must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection.

(2) *Prohibition of attorneys' fees and related costs for certain services.*

(i) Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding under section 615 of the Act for services performed subsequent to the time of a written offer of settlement to a parent if—

(A) The offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins;

(B) The offer is not accepted within 10 days; and

(C) The court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement.

(ii) Attorneys' fees may not be awarded relating to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action, or at the discretion of the State, for a mediation described in §300.506 that is conducted prior to the filing of a request for due process under §§300.507 or 300.520-300.528.

(3) *Exception to prohibition on attorneys' fees and related costs.* Notwithstanding paragraph (c)(2) of this section, an award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer.

(4) *Reduction of amount of attorneys' fees.* Except as provided in paragraph (c)(5) of this section, the court reduces, accordingly, the amount of the attorneys' fees awarded under section 615 of the Act, if the court finds that—

(i) The parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy;

(ii) The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience;

(iii) The time spent and legal services furnished were excessive considering the nature of the action or proceeding; or

(iv) The attorney representing the parent did not provide to the school district the appropriate information in the due process complaint in accordance with §300.507(c).

(5) *Exception to reduction in amount of attorneys' fees.* The provisions of paragraph (c)(4) of this section do not apply in any action or proceeding if the court finds that the State or local agency unreasonably protracted the final resolution of the action or proceeding or there was a violation of section 615 of the Act.

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
1. The school district will pay reasonable attorneys' fees, if the court, in its discretion, awards attorneys' fees as part of the costs to the parents or guardian of the child or youth with a disability who is the prevailing party in a due process action.	Court order	School district	
2. Funds under Part B of the Act may not be used to pay attorneys' fees or costs of a party related to an action or proceeding under reauthorization of IDEA, section 615 of the Act and subpart E of this part. a. Neither the district nor the parent's attorney's fees may be paid with Part B funds. b. However, the cost of the hearing, including, but not limited to the hearing officer, court transcriptionist, expert witnesses, etc. may be paid using Part B funds.			
3. A court awards reasonable attorney fees consistent with the following: a. Fees awarded to the parents of a child with a disability who are the prevailing party must be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. No bonus or multiplier may be used in calculating the fees awarded under this subsection. b. Attorneys' fees may not be awarded and related costs may not be reimbursed in any action or proceeding for services performed before a written offer of settlement to a parent if— (1) the offer is made within the time prescribed by Rule 68 of the Federal Rules of Civil Procedure or, in the case of an administrative proceeding, at any time more than 10 days before the proceeding begins; (2) the offer is not accepted within 10 days; and (3) the court or administrative hearing officer finds that the relief finally obtained by the parents is not more favorable to the parents than the offer of settlement. c. An award of attorneys' fees and related costs may be made to a parent who is the prevailing party and who was substantially justified in rejecting the settlement offer. d. Attorneys' fees may not be awarded relating to any meeting of the IEP team unless the meeting is convened as a result of an administrative proceeding or judicial action.			

PROCEDURES	DOCUMENTATION	RESPONSIBILITY	TIME LINE
e. The court reduces, accordingly, the amount of the attorneys' fees awarded, if the court finds that— (1) The parent, during the course of the action or proceeding, unreasonably protracted the final resolution of the controversy; (2) The amount of the attorneys' fees otherwise authorized to be awarded unreasonably exceeds the hourly rate prevailing in the community for similar services by attorneys of reasonably comparable skill, reputation, and experience; (3) The time spent and the legal services furnished were excessive considering the nature of the action or proceeding; or (4) The attorney representing the parent did not provide to the school district the appropriate information in the due process complaint: (a) The name of the child; (b) The address of the residence of the child; (c) The name of the school the child is attending; (d) A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem; and (e) A proposed resolution of the problem to the extent known and available to the parents at the time. f. The provisions of paragraph (e) of this section do not apply in any action or proceeding if the court finds that the State or school district unreasonably protracted the final resolution of the action or proceeding or there was a violation of reauthorization of IDEA, section 615 of the Act.			

Copies: Student/Building File
Superintendent
Parent

DP-701

REQUEST FOR AN ADMINISTRATIVE REVIEW

Date of Request:____/____/____

This administrative review is requested by (check one):

______ Parent: Name:________________________________
Address:________________________ Phone:__________

______ Agency: Name:________________________________
Address:________________________ Phone:__________

Name of Child:________________________________ DOB:____/____/____

The administrative review is being requested for the following reasons:

What is your suggested solution to the situation?

Name below all persons, other than yourself, who you will invite to attend:

Name	Relationship to Parent/Agency
______________________	______________________
______________________	______________________
______________________	______________________
______________________	______________________

Sign your name in the place provided below to confirm your request:

Signature/Title:________________________________ Date:__________

PLEASE RETURN TO:________________________________

____

DATE REQUEST RECEIVED:________________________________

RETAIN IN CHILD'S FILE

DP-702

Copies: Records Control Officer
Superintendent
Agency Head
Parent

REQUEST FOR AN IMPARTIAL DUE PROCESS HEARING

TO: Superintendent

_____________________________ School District

An impartial due process hearing is hereby requested on behalf of:

Child's Name:_____________________________ Date of Birth:__________________

Child's Address:____

Building of Attendance:__________________ Grade:__________________

The impartial due process hearing is being requested for the following reasons:

What is your suggested solution to the situation?

This impartial due process hearing is requested by:

Name:_____________________________ Relationship to Child:__________

Agency/Position (if applicable):_____________________________

Address:__________________________ Phone:__________________

Signature:_____________________________ Date:__________________

FOR OFFICE USE ONLY

Date received:__________________ By whom:__________________

THE HEARING MUST BE COMPLETED AND THE HEARING OFFICER'S FINAL REPORT RECEIVED NOT LATER THAN 45 DAYS FROM DATE REQUEST RECEIVED, UNLESS SPECIFIC EXTENSIONS HAVE BEEN MADE BY THE HEARING OFFICER UPON REQUEST BY EITHER PARTY.

Copies: Records Control Office
Student/Building File
Parent
Division of Special Education

NOTICE OF IMPARTIAL DUE PROCESS HEARING

Date:______________________________________

To:____

Child's Name:__________________________________

This notice is to inform you that I am requesting an impartial due process hearing regarding the above-named child for the following reason(s):

The suggested solution to this situation is:

The hearing must be completed no later than 45 days from the date of this request, unless an extension is granted by the hearing officer. A list of potential impartial hearing officers will be sent to you by certified mail from the Division of Special Education, Ohio Department of Education. We must mutually select a hearing officer and notify the Division of our choice, within 10 days from the date of the Division's certified mailing. When you receive the list, please review the list and I will contact you regarding a mutual selection. If we do not contact the Division within 10 days of the certified mailing, a hearing officer will be appointed by the Division of Special Education, Ohio Department of Education.

Please contact me if you have questions.

Sincerely,

____
Superintendent

____
School District

____
Address

____
City/State/Zip Code

____
Telephone

DP-704

Copies: Records Control Officer
Parent
Student File
Division of Special Education

PARENT NOTIFICATION OF AGENCY REQUEST FOR IMPARTIAL DUE PROCESS HEARING

Date:_____/_____/_____

Dear _____:

An impartial due process hearing has been requested on behalf of your son/daughter,

____________________ (Child's Name) __________ (Date of Birth) by ____________________ (Requesting Agency)

The reason a hearing has been requested is

Under these circumstances, the school and the agency are required, by due process standards, to make the arrangements for the hearing. The school and the agency will consult to agree upon the selection of a hearing officer from a list of persons prepared by the Division of Special Education, Ohio Department of Education. If the school and the agency cannot agree upon a hearing officer, one will be appointed by the Division of Special Education.

You are invited to participate in all proceedings and will receive all communication to the above-mentioned agency from the school district and the hearing officer.

If you have any questions concerning this matter, please contact me.

Sincerely,

____________________ (Signature, Superintendent)

____________________ (School District Address)

____

CC: Board of Education Members
Agency Requesting Hearing

____
(Agency)

____
(Address)

____

DP-705❖

Copies: Records Control Officer
Parent
Student/Building File

CASE CONFERENCE SUMMARY

Date: ____________

Child's Name: ______________________________ Date of Birth: ____/____/____

School: ______________________________ Program Placement: ____________

Parent(s): ______________________________

Participants	**Position**

Reason for Conference:

General Areas of Discussion:

Areas of Disagreements, If Any:

Recommendations:

Follow-up Provisions:

____
Name of Person Preparing Report

____
Title

❖**Denotes optional procedure/form**

DP-706❖
(Page 1 of 2)

SCHOOL CHECKLIST FOR PARENT-INITIATED IMPARTIAL HEARINGS

ACTIVITIES	COMPLETED	COMMENTS
1. The superintendent receives written notice of request for due process hearing.		
2. The superintendent **time stamps** the date the request is received. THE HEARING MUST BE COMPLETED 45 DAYS FROM DATE OF RECEIPT OF REQUEST, unless an extension is granted by the impartial hearing officer (IHO).		
3. The superintendent immediately sends a copy of the request to the Director, Division of Special Education, Ohio Department of Education.		
4. The superintendent contacts parents to: a. inform the parents that a list of hearing officers will arrive by certified mail from the Ohio Department of Education (ODE), Division of Special Education (hereafter referred to as the Division), and that the school district and parents must mutually select a hearing officer and notify the superintendent immediately of their selection;		
b. inform the parents of any free or low-cost legal and other relevant services; and		
c. inquire about the desirability of mediation.		
5. The superintendent contacts: a. an attorney (optional); and		
b. the Division to express any concerns, seek information, and/or inquire about mediation (optional).		
6. If the parent and school district cannot agree on a selection of a hearing officer within 10 days of the Division's certified mailing and notify the Division of their selection, the Division will appoint a hearing officer.		
7. The superintendent contacts the selected IHO to: a. inform him/her of his/her selection;		
b. arrange for use of facilities and supply clerical help;		
c. arrange for reimbursement at an hourly rate not higher than that established for special counsel for the State of Ohio; and		
d. inform the IHO of any mediation conferences (the IHO is not a participant).		

❖**Denotes optional procedure/form**

ACTIVITIES		COMPLETED	COMMENTS
8.	If the issue is resolved through mediation, the superintendent or designee notifies, in writing, the parents, the IHO, and the Division.		
9.	The superintendent should expect that the IHO will contact him/her to:		
a.	find a place to hold the hearing;		
b.	establish procedures for a verbatim or electronic transcript (court reporter); and		
c.	determine if an interpreter is needed.		
10.	The superintendent should expect, after initial preparations are made for the hearing, that the IHO will notify the school district with the following information:		
a.	the time, date, and location of the hearing; and		
b.	their rights relative to the hearing.		
11.	The IHO will inform the school district:		
a.	that the parents have access to the child's records, including the regulations that apply to access; and		
b.	the date of the disclosure conference (at least five business days prior to the hearing).		
12.	The superintendent will be contacted by the IHO to:		
a.	request a list of the district's witnesses;		
b.	confirm the hearing arrangements;		
c.	request attendance at disclosure conference; and		
d.	request that a written statement of the issues to be resolved be prepared to bring to the disclosure conference and to the due process hearing.		

❖**Denotes optional procedure/form**

SCHOOL CHECKLIST FOR SCHOOL-INITIATED IMPARTIAL HEARINGS

	ACTIVITIES	COMPLETED	COMMENTS
1.	The superintendent initiates request for due process hearing in writing.		
2.	The superintendent **time stamps** the date the request is received and sends a copy of the request to the Ohio Department of Education (ODE), Division of Special Education (hereafter referred to as the Division). THE HEARING MUST BE COMPLETED 45 DAYS FROM DATE OF RECEIPT OF REQUEST, unless an extension is granted by the impartial hearing officer (IHO).		
3.	When the list of hearing officers prepared by the Division is received, the superintendent:		
a.	contacts the parents to mutually select a hearing officer;		
b.	informs parents of any free or low-cost legal and other relevant services; and		
c.	inquires about the desirability of mediation.		
4.	The superintendent contacts:		
a.	an attorney (optional);		
b.	the Division, to express any concerns, seek information, and/or inquire about mediation (optional);		
5.	If the parent and school district cannot agree on a selection of a hearing officer within 10 days of the Division's certified mailing and notify the Division of their selection, the Division will appoint a hearing officer.		
6.	The superintendent contacts the selected IHO to:		
a.	inform him/her of his/her selection;		
b.	arrange for use of facilities and supply clerical help;		
c.	arrange for reimbursement at an hourly rate not higher than that established for special counsel for the State of Ohio; and		
d.	inform the IHO of any mediation conferences (the IHO is not a participant).		
7.	If the issue is resolved through mediation, the superintendent or designee notifies, in writing, the parents, the IHO, and the Division.		

❖Denotes optional procedure/form

ACTIVITIES	COMPLETED	COMMENTS
8. The superintendent should expect that the IHO will contact him/her to: a. find a place to hold the hearing;		
b. establish procedures for a verbatim or electronic transcript (court reporter); and		
c. determine if an interpreter is needed.		
9. The superintendent should expect, after initial preparations are made for the hearing, that the IHO will notify the school district with the following information: a. the time, date, and location of the hearing; and		
b. their rights relative to the hearing.		
10. The IHO will inform the school district: a. that the parents have access to the child's records, including the regulations that apply to access; and		
b. the date of the disclosure conference (at least five business days prior to the hearing).		
11. The superintendent will be contacted by the IHO to: a. request a list of the district's witnesses;		
b. confirm the hearing arrangements;		
c. request attendance at disclosure conference; and		
d. request that a written statement of the issues to be resolved be prepared to bring to the disclosure conference and to the due process hearing.		

❖Denotes optional procedure/form

PARENT CHECKLIST FOR IMPARTIAL HEARINGS

ACTIVITIES	COMPLETED	COMMENTS
1. Parent puts request for a due process impartial hearing in writing to the superintendent.		
2. The superintendent will **time stamp** the date the request is received. THE HEARING MUST BE COMPLETED 45 DAYS FROM DATE OF RECEIPT OF REQUEST, unless an extension is granted by the impartial hearing officer (IHO).		
3. The superintendent will contact the parents to: a. inform them that a list of hearing officers will arrive by certified mail from the Ohio Department of Education (ODE), Division of Special Education (hereafter referred to as the Division), and that the school district and parents mutually select a hearing officer and notify the superintendent immediately of their selection;		
b. inform them of any free or low-cost legal and other relevant services; and		
c. determine the desirability of mediation.		
4. If mediation is desired, the superintendent will make the arrangement with the Division staff, or with other persons, if mutually agreeable between school district and parent.		
5. If the parent and school district cannot agree on a selection of a hearing officer within 10 days of the Division's certified mailing and notify the Division of their selection, the Division will appoint a hearing officer.		
6. If the issue is resolved through mediation, the superintendent or designee will notify, in writing, the parents, the IHO, and the Division.		
7. The IHO contacts the parent to: a. ask if an interpreter is needed; and		
b. provide basic information about their rights related to the hearing.		

❖**Denotes optional procedure/form**

ACTIVITIES	COMPLETED	COMMENTS
8. The IHO will notify the parent of: a. the date they will be asked to submit a list of witnesses;		
b. their choice to have an open or closed hearing;		
c. their choice to have the child attend the hearing; and		
d. the procedures for disclosure of information.		
9. The IHO will contact the parents to request: a. a list of their witnesses;		
b. their decision for an open or closed hearing;		
c. their attendance at the disclosure conference (at least five business days prior to the hearing); and		
d. that a written statement of the issues to be resolved or clarified be prepared to bring to the disclosure conference and to the due process hearing.		

❖Denotes optional procedure/form

SECTION 8

APPENDICES

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APPENDIX A

GUIDELINES FOR PROVIDING SERVICES TO CHILDREN WITH DISABILITIES PARENTALLY PLACED IN OHIO CHARTERED NONPUBLIC SCHOOLS

I. Location, Identification, and Evaluation of Children Suspected of Having a Disability

The school district where the parent resides (school district of residence) is responsible for locating, identifying, and evaluating—at public expense—all children (birth through 21 years of age) who are suspected of having a disability under the Individuals with Disabilities Education Act (IDEA). Therefore, the school district of residence is also responsible for locating, identifying, and evaluating those children who are enrolled in nonpublic schools, including religious schools, and who are suspected of having a disability. Each school district shall consult with appropriate representatives of nonpublic schools regarding the location, identification, and evaluation of children suspected of having a disability. [34 CFR 300.451(a) and *Model Policies and Procedures for the Education of Children with Disabilities*, Section 2: Child Identification}.

II. Children's Rights to Services

The school district of residence must make a free appropriate public education (FAPE) available to all children, three through twenty-one years of age, identified as having a disability and determined to be in need of special education services. However, Part B of the *Individuals with Disabilities Education Act (IDEA) Amendments of 1997* does not require the school district of residence, or the school district where the nonpublic is located, to pay for the cost of education, including special education and related services, of a child with a disability enrolled at a nonpublic school or facility if (1) the school district of residence made a free appropriate public education available to the child; and (2) the parents elected to place the child in the nonpublic school or facility. It is recommended that the school district of residence document their offer to provide a free appropriate public education by completing an individualized education program (IEP) for placement in the public school and by providing written notice (Form PS-401) to the parents of the district's offer of FAPE and the parents' decision to place their child in a nonpublic school.

A child with a disability who is unilaterally placed by his/her parents in a nonpublic school is not entitled to any service or any amount of service he/she would receive if enrolled in a public school. However, the entire population of such children as a group has the right to services.

If a parentally placed child with a disability who is in need of special education services enrolls or re-enrolls in the public school district of residence, the school district must make available a free appropriate public education [34 CFR 300.454].

III. Funding Sources for Serving Children with Disabilities

1. *Use of Federal Funds Provided Through the* Individuals with Disabilities Education Act (IDEA) Amendments of 1997

Generation of funds. Students with disabilities (both those identified and eligible to receive services and those being served through a services plan) who are enrolled by their parents in chartered nonpublic schools are counted and **reported** to the Ohio Department of Education (ODE) by the school district of residence beginning December 1, 2000. Of these students, only those students who are receiving special education services in accordance with a services plan funded through Part B of IDEA or auxiliary services funds are **counted** for the December 1 child count report by the school district providing services to generate Title VI-B flow-thru funds. The amount of VI-B funds that the public school must spend on nonpublic school children shall be calculated as follows:

$$\boxed{\text{Amount} = \frac{\text{Eligible nonpublic students x total district allocation}}{\text{Public students with an IEP + eligible nonpublic}}}$$

Continued determination of eligibility. Students with disabilities enrolled by their parents in chartered nonpublic schools must be reevaluated by their district of residence at least once every three years in order to determine their continued eligibility to receive services.

Determination of services. A child with a disability attending a chartered nonpublic school does not have an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school. However, if services are provided, they must be delivered by personnel meeting the same standards as personnel providing services in the public school [34 CFR 300.455(a)].

The school district where the nonpublic school is located shall consult in a timely and meaningful manner with appropriate representatives of students enrolled in chartered nonpublic schools. Consultations shall take into consideration the funding generated by nonpublic school students with disabilities, the number of these children and their needs, and their location to decide

- Which children will receive special education and related services;
- What special education and related services will be provided;
- How and where the special education and related services will be provided; and
- How the special education and related services provided will be evaluated.

Each school district where the nonpublic school is located shall give appropriate representatives of chartered nonpublic school children with disabilities a genuine opportunity to express their views regarding each matter that is subject to the consultation requirements. The school district is responsible for making the final determination of services to be provided to eligible nonpublic school children [34 CFR 300.454].

Location of services. The location for providing IDEA services must be determined through consultation with the chartered nonpublic school representatives. Services may be provided to children with disabilities on or off the premises of chartered nonpublic schools, including religiously affiliated schools [34 CFR 300.456].

Transportation. A child with a disability who is unilaterally placed by his/her parents in a chartered nonpublic school shall be entitled to transportation to the same degree as any child without disabilities who is attending a chartered nonpublic school. If necessary for a nonpublic school child with a disability to receive special education and related services, the child must be provided transportation (1) from the child's school or the child's home to a site other than the nonpublic school; and (2) from the service site to the nonpublic school or to the child's home depending on the timing of service [34 CFR 300.456; Ohio Administrative Code 3301-51-10, Section (C)(4); Ohio Revised Code 3327.01].

Use of funds. IDEA funds may be used to pay for costs associated with special education and related services and supplementary aids and services that are provided in a regular class or other education-related setting to a child with a disability, even if one or more nondisabled children benefit from such services. IDEA funds may not be used to directly benefit the chartered nonpublic schools [34 CFR 300.235].

2. *Use of State Funds and Provision of Auxiliary Services*

Opportunity for participation. Auxiliary services funds are generated for each school district based upon the number of students attending chartered nonpublic elementary or high schools within the district (Ohio Revised Code 3317.06). Auxiliary services funds may be used to provide services to children with disabilities who are attending chartered nonpublic schools within the boundaries of a given school district.

Approval of services to be provided. The school district within whose boundaries the chartered nonpublic school is located has the responsibility for approving the chartered nonpublic school's request for services prior to the provision of such services.

Location of services. Personnel funded with auxiliary services funds may provide services either on or off the premises of the chartered nonpublic school to students enrolled in a religiously-affiliated or nonsectarian school. If services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the chartered nonpublic school is located [Ohio Revised Code 3317.06 (I)].

3. Part-time Enrollment

A school district may, but is not required to, adopt a policy that allows students with disabilities who are unilaterally placed by their parents in a nonpublic school to enroll part-time in their school district of residence. A child with disabilities may receive services from federal, state, and locally funded personnel for the portion of time the child is enrolled in and attending the public school.

IV. Services Plans* for Children Parentally Placed in Chartered Nonpublic Schools

1. Public School Development of the Student's Services Plan

Special education services to be provided through IDEA or auxiliary services funds must be implemented in accordance with a services plan. Services plans must be individually developed for each child using the services plan form included in the school district's approved policies and procedures. The services plan must describe the specific special education and related services that the school district agrees to provide to each child. The school district where the chartered nonpublic school is located—whether or not it is the child's district of residence—convenes the services plan meeting for an eligible child who has been designated through the consultation process to receive special education and related services. The parent and representative of the chartered nonpublic school must be invited to attend the services plan meeting. If a chartered nonpublic school representative is unable to attend, the school must use other methods to ensure participation by the chartered nonpublic school, including individual or conference telephone calls.

Although not required by IDEA, nothing prohibits the school district of residence from utilizing IDEA Part B funds to provide services to a child parentally placed in a chartered nonpublic school located outside the boundaries of the school district of residence. In this case, the school district of residence is responsible for convening the services plan meeting and for making the final determination of services to be provided.

---

* In accordance with 34 CFR 300.455, services plans must, to the extent appropriate, be developed to meet IEP requirements.

The public school district providing the services is responsible for conducting meetings at least annually to review and revise, if appropriate, each child's services plan. Also, the school district makes the final determination of services to be provided to eligible nonpublic school children. Neither IDEA nor state law makes provisions for chartered nonpublic schools to develop student services plans. Any written plan developed by a chartered nonpublic school will not be recognized as a services plan under federal and state laws [34 CFR 300.452-300.455].

2. *Ohio Proficiency Tests: Considerations for Exemption from Taking or Accommodations to be Provided in Testing*

Children with disabilities who are parentally placed in chartered nonpublic schools are required to take and pass the ninth-grade Ohio Proficiency Tests (OPT) in order to receive a high school diploma unless the student is specifically exempted from the testing requirement as set forth below. It is expected that most students with disabilities will take and pass the proficiency tests. If the student's curriculum in a particular subject area is modified substantially from what the proficiency test measures, it is neither necessary nor desirable for the student to take the test. IDEA requirements for alternate assessment do not apply to children with disabilities enrolled in nonpublic schools.

An exemption from taking or accommodations made in proficiency testing for students with disabilities enrolled in chartered nonpublic schools may be granted under any of the following conditions:

- A services plan, documenting exemptions from taking the tests or accommodations to be provided in testing, has been developed by public school personnel, and special education services are being provided by federally funded personnel;

- A services plan, documenting exemptions from taking the tests or accommodations to be provided in testing, has been developed by public school personnel, and special education services are being provided by auxiliary services funded personnel; or
- A written plan, documenting exemptions from taking the tests or accommodations to be provided in testing, has been developed by the chartered nonpublic school that meets all the requirements of State rule 3301-13-10 (see attached).

Chartered nonpublic school personnel cannot prohibit students with disabilities from taking the proficiency tests even if they have been exempted from taking the tests through a services plan, nor can they force a student who has been exempted to actually take any portion of the test. Chartered nonpublic school personnel cannot deny a diploma to an exempted student if all other requirements for graduation have been met.

V. Due Process Rights

Due process rights do not apply to the provision of special education and related services the school district has agreed to provide through the services plan. However, a parent of a child with a suspected disability, or a child identified as disabled, who is enrolled in a nonpublic school may initiate a due process hearing regarding the location, identification, and evaluation of his/her child [34 CFR 300.457].

VI. Complaint Rights

A parent of a child with a disability who is enrolled in a nonpublic school has the right to file a complaint under IDEA with the Ohio Department of Education. Complaints may be filed regarding

- The identification and evaluation of the parentally placed child;
- The provision of services the school district has agreed to provide through a services plan;

- The amount of funds the school district must spend on providing special education and related services to children with disabilities enrolled in chartered nonpublic schools;
- Transportation to access agreed upon services; and
- The use of equipment and supplies purchased with IDEA Part B funds for the benefit of nonpublic school children with disabilities [34 CFR 300.457 and 300.600-300.662].

VII. Placement of Children by Parents

1. *Cost of Nonpublic School Education.* IDEA does not require a school district to pay for the cost of education, including special education and related services, of a child with a disability at a nonpublic school or facility if (1) that school district made a free appropriate public education available to the child; and (2) the parents elected to place the child in the nonpublic school or facility [34 CFR 300.403(a)].

2. *Disagreements about FAPE.* Disagreements between a parent and a school district regarding the availability of a program appropriate for the child, and the question of financial responsibility, may be subject to a due process hearing [34 CFR 300.403(b)].

3. *Reimbursement for Nonpublic School Placement.* If the parents of a child with a disability, who previously received special education and related services under the authority of a public agency, enroll the child in a nonpublic school without the consent of or referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to that enrollment and that the nonpublic school placement is appropriate [34 CFR 300.403(c)].

4. *Limitation on Reimbursement.* Reimbursement costs may be reduced or denied by the court or the hearing officer if

   (a) (i) At the most recent IEP meeting attended by the parents prior to their removal of their child from the public school, the parents did not inform the IEP team that they were rejecting the placement proposed by the public agency to provide a free appropriate public education to their child, did not state their concerns, and did not make clear their intent to enroll their child in a nonpublic school at public expense; OR

   (ii) At least ten (10) business days (including any holidays that occur on a business day) prior to the removal of their child from the public school, the parents did not give written notice to the public agency of the information described above;

   (b) Prior to the parent's removal of their child from the public school, the public agency informed the parents, through the prior written notice requirements, of its intent to evaluate the child (including a statement of the purpose of the evaluation that was appropriate and reasonable), but the parents did not make their child available for such evaluation; OR

   (c) There is a judicial finding of unreasonableness with respect to actions taken by the parents.

The cost of reimbursement for a nonpublic school placement may not be reduced or denied if the parent failed to provide written notice because

- The parent is illiterate and cannot write in English;
- Compliance with the parent notification requirement would likely result in physical or serious emotional harm to the child;
- The school prevented the parent from providing such notice; or
- The parent had not received his/her procedural safeguards (i.e., Whose *IDEA* Is This? *A Resource Guide for Parents*) and was not aware of this requirement [34 CFR 300.403(d)].

Cross Reference to Model Policies and Procedures for the Education of Children with Disabilities

Note: Sections and specific topics in the Policies and Procedures directly related to the Nonpublic Guidelines are identified below.

Section and Topic	Page Number(s)
Section 1: Free Appropriate Public Education	1-3
Section 2: Child Identification	
Topic: General	3
Section 3: Confidentiality	1-17
Section 4: Procedural Safeguards	
Topic: Providing Notice to Parents	3-5
Topic: Complaint Procedures	12-16
Topic: Requirements for Unilaterial Placement by Parents of Children in Private Schools at Public Expense	17-18
Section 5: Assessment/Multifactored Evaluation (MFE)	1-69
Section 6: Individualized Education Program (IEP)/Least Restrictive Environment (LRE)	
Topic: IEP Special Factors and Other Considerations: Testing Considerations	65
Topic: Children in Private Schools	76-81
Section 7: Due Process Procedures	6, 10

3301-13-10 Standard to develop plans for exemption from and/or ACCOMMODATIONS FOR the Ohio proficiency tests for students in chartered nonpublic schools.

(A) Eligibility

The provisions of this rule shall apply only to a student who meets all of the following eligibility criteria:

(1) The student has been identified as a child with a disability based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the Rehabilitation Act of 1973;

(2) The student has been enrolled by the parent in a chartered nonpublic school; and

(3) The student with a disability

  (a) Is not being provided publicly funded special education services; or

  (b) Is receiving publicly funded special education services that do not address the academic objectives as measured by any particular test.

(B) Written plan

(1) The chartered nonpublic school shall annually develop a written plan that addresses the eligible student's needs.

(2) Parents must be included in the development of the written plan.

(3) Any exemptions from participation in any particular proficiency test MUST BE MADE IN ACCORDANCE WITH PROVISIONS OF RULE 3301-13-03 OF THE ADMINISTRATIVE CODE, AND must be specified in the written plan.

(4) Any ACCOMMODATIONS in test format and/or test administration procedure MUST BE MADE IN ACCORDANCE WITH PROVISIONS OF RULE 3301-13-03 OF THE ADMINISTRATIVE CODE, AND must be specified in the written plan.

(5) Parents must agree to the written plan.

(6) The chartered nonpublic school shall implement the plan.

(7) The plan and the decision to PROVIDE ACCOMMODATIONS FOR or to exempt from any particular proficiency tests must be reviewed annually.

APPENDIX B

SAMPLE
BUILDING TEAM FORMS

DOCUMENTATION OF INTERVENTIONS

Districts may choose to develop their own documentation of intervention forms for use as part of the Intervention Assistance Team and/or Referral for Multifactored Evaluation (MFE) process. The following are suggestions as to what should be included on these forms:

1. Demographic Data
   a. Student name
   b. Date of birth
   c. Teacher(s)
   d. Grade
   e. School
   f. Date form completed
2. Intervention Information
   a. Behavioral description of problem
   b. Description of planned intervention(s)
   c. Evaluation procedures (including criteria)
   d. Person(s) responsible for implementation and/or evaluation of intervention(s)
   e. Description of the results of the intervention(s)
   f. Duration of the intervention(s)
      - Date of initiation
      - Date of completion
      - Date of follow-up meetings
3. Other
   a. Participants in the intervention process
   b. Projected date of follow-up meeting

To: Intervention Assistance Team

APPENDIX B

BUILDING-LEVEL PROBLEM ANALYSIS AND INTERVENTION PLAN

STUDENT: ______________________ GRADE: ________ DATE: ____________

TEACHER: ______________________ COLLABORATORS: ____________
____
____
____

STEP 1. BEHAVIORAL DESCRIPTION OF THE PROBLEM:
(specific and observable behavior)

____
____
____

STEP 2. BEHAVIORAL STATEMENT OF DESIRED GOAL OR OBJECTIVE:
(objective written in precise terms)

____
____
____

STEP 3. BRAINSTORM POSSIBLE INTERVENTIONS:
(list without evaluating)

____
____
____

STEP 4. CLARIFY AND EVALUATE POSSIBLE INTERVENTIONS:
(outline interventions)

____
____
____

STEP 5. DEVELOP AN INTERVENTION PLAN:
(attach intervention plan)

STEP 6. EVALUATE EFFECTIVENESS OF INTERVENTION PLAN:
(dates, modifications, measures of effectiveness)

____
____
____
____

PROGRESS MONITORING

DEFINITION: Progress monitoring is a systematic procedure for the frequent and repeated collection and analysis of student performance data.

WHAT ARE THE BENEFITS OF PROGRESS MONITORING?

FOR STUDENTS:

- Monitoring provides a clear idea of expectations for performance.
- Continuous feedback on performance enhances motivation.
- Student outcomes improve.

FOR TEACHERS:

- Monitoring provides timely feedback on the effectiveness of an intervention.
- Data collection provides an objective data base for decision-making.
- Continuous feedback improves instructional planning.
- Progress monitoring is an important tool for problem-solving.

WHY SHOULD I MONITOR PROGRESS?

No way to predict that interventions will be successful.

Increased emphasis on the demonstration of outcomes.

Student outcomes improve.

Allows us to make decisions based on the pattern of performance.

BUILDING-LEVEL PROBLEM ANALYSIS AND INTERVENTION PLAN

NAME: ____________________ **STUDENT NUMBER:** ____________________

INFORMATION PROVIDED BY: ____________________ **SCHOOL:** ____________________

Educational Need	Interventions and/or Adaptations	Evaluation	Person Responsible	Results

Participants:

Duration of Services:

Appendix B
Sample 1
(Page 3 of 3)

APPENDIX B

To: Intervention Assistance Team (IAT)

Appendix B
Sample 2
(Page 1 of 3)

Student Information Form

Date ____________________
month day year

Student Information
IAT Referral Process-High School

Student's Name ____________________ Sex M F Grade ______ Birthdate __________ Age ______

Address ____________________ Zip __________ Phone __________

Father's Name ____________________ Mother's Name ____________________

Reason Student Referred: ____________________

Number of School Transfers ____________________ Grades Repeated ____________________

Has the student received other special services within our school system, from another school district or agency? If so, specify where and what services:

nurse ____________________ counselor ____________________

speech therapist ____________________ social worker ____________________

reading consultant ____________________ school psychologist ____________________

other ____________________

Special health problems (physical, vision, hearing, etc.)? If yes, explain: ____________________

Are changes apparent in physical appearance? If yes, explain: ____________________

ACADEMIC CHARACTERISTICS

Do group achievement test scores coincide with classroom achievement? If discrepancies exist, which skill areas are involved? Effect of attitude/work habits/attendance? Present classroom achievement: Indicate (1) grade (2) effort

			Grade Level			
	(1)	(2)	At	Above	Below	Comments
Reading						
Math						
English						
Social Studies						
Science						
Fine Arts						
Business Ed.						
Foreign Lang.						
IA/Home Ec.						

Other Information:

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HIGH SCHOOL
INTERVENTION ASSISTANCE TEAM (IAT)

Date:
To:
From:
Subject:

Please attend an IAT meeting on:

Date:
Time:
Location:

This meeting has been established to share information and concerns about one of our students. Your input will be most helpful in developing strategies to help this student succeed. If you cannot attend, please contact me.

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IAT Intervention Plan Form

Appendix B
Sample 2
(Page 3 of 3)

HIGH SCHOOL
Intervention Plan

Student's Name_______________________________ Date_________________

Conference Team Members____

____

Target Behavior ______________________ Long-Range Goal ______________________

____

			Date	
Short-Term Objectives	Procedures	Measurement Procedures	Instr. Began	Obj. Ach'd.

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To: Intervention Assistance Team

Appendix B
Sample 3
(Page 1 of 2)

Student Assistance Team
Intervention Plan

Student ______________________________ Grade __________ Date ______________

Teacher ______________________________ Collaborators ____________________________

Step #1 Behavioral Description of the Concern/Problem: ____________________

Step #2 Behavioral Statement of the Desired Goal or Outcome: ____________________

Step #3 Brainstorm Ways to Alleviate the Concern/Problem Mentioned in Step #1: __________

Step #4 Devise a Plan of Action that Builds Upon Some of the Strategies Identified in Step #3:

Plan of Action

Who	Does What	When

Set a date to evaluate the plan's effectiveness in achieving the stated goal:____________________

Step #5 Evaluate How Effective the Plan Was in Reaching the Goal Stated in Step #2:

Date ____________

Results of the Intervention:

____

____

____

Teacher rating of the effectiveness of the plan in achieving the goal stated in Step #2:

1	2	3	4	5
Not Effective		Somewhat Effective		Very Effective

Step #6 Modify the Plan:

Plan of Action

Who	Does What	When

Set a date to evaluate the plan's effectiveness in achieving the stated goal:____________________

To: Intervention Assistance Team

School IAT Referral Form

Appendix B
Sample 4
(Page 1 of 3)

INTERVENTION TEAM REFERRAL FORM

STUDENT NAME__________ DATE__________

PROGRAM__________ INSTRUCTOR__________

NUMBER OF SUSPENSIONS__________ DAYS OUT__________

DESCRIPTION OF STUDENT PROBLEM:

SIGNED__________

APPRAISAL OF STUDENT BY SUPERVISOR OR TEACHER:

SIGNED__________

STUDENT SERVICES INFORMATION:

I.E.P. Yes No
Evaluation Yes No

SIGNED__________

OTHER PERTINENT INFORMATION:

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TEAM MEMBERS PRESENT:

______________________ ______________________ ______________________

______________________ ______________________ ______________________

______________________ ______________________ ______________________

TEAM RECOMMENDATIONS:

____

____

____

____

____

____

____

____

FOLLOW-UP:

____

____

____

____

____

____

____

____

____

DATE______________________

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APPENDIX B

To: Intervention Assistance Team

District IAT Referral Form

Appendix B
Sample 5
(Page 1 of 2)

REQUEST FOR CONSULTATION-ASSISTANCE

ORIGINAL--Student File
COPY--County Office

Student's Name____________ D.O.B.__________ Age______ Grade__________

Requesting Person____________ Teachers____________________________

Date Request Initiated______________________________________

____

____

SECTION I--Check all that apply

1. _____ Poor Retention
2. _____ Slow Rate of Work
3. _____ Cannot Follow Oral Directions
4. _____ Cannot Follow Written Directions
5. _____ Doesn't Complete Assignments
6. _____ Poor Study Habits
7. _____ Poor Attitude
8. _____ Poor Peer Relationship
9. _____ Inconsistent
10. _____ Very Active
11. _____ Distractible
12. _____ Disorganized
13. _____ Off Task Often
14. _____ Poor Motor Skills
15. _____ Poor Language Development
16. _____ Other (Explain) ______________________________________

____

SECTION II--Reason for Request. Be specific. ______________________

____

____

____

What classroom adjustments have been made to remediate the problem? __________

____

____

____

Services currently being provided: ____ Remedial Reading ____Math ________ Counseling

_______ Speech Therapy _____ Other (Explain)_______________________

Have parents been made aware of the problem? Yes_________ No_________

If yes, their reactions and/or suggestions:_________________________

____

____

____

____

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Appendix B
Sample 5
(Page 2 of 2)

SECTION III--Student Record Review

1. Parent/Guardian Name ______________________ Relationship ______________
2. Language Spoken at Home ______________________________
3. Significant Medical Problems ______________________________

____

4. Last Vision and Hearing Screening: Date ______________ (v) Date ______________ (h)

Recommendations: ______________________________

____

List name, date, grade, and results of the most recent achievement, readiness, and/or aptitude test, or attach copy of that printout.

Name of Test	Date	Grade	Results

List present classroom achievement levels: __________ Reading __________ Math __________ English

__________ Social Studies ______ Science __________ Other (please list) ______________

____

When and what, if any, disciplinary action has been initiated: ______________________

____

Attach any relevant work samples and/or additional statements about this student's work habits, behavior, and /or potential.

____

____

SECTION IV--To be completed by Principal

IAT Members

1. ______________________ 5. ______________________
2. ______________________ 6. ______________________
3. ______________________ 7. ______________________
4. ______________________ 8. ______________________

County office personnel needed as IAT member. Yes __________ No __________

Classroom observation to be done by: Building personnel __________

County office personnel ______

IAT Conference Date ______________________ Time ________ Place ____________

Date ______________________ ______________________

(Principal's Signature)

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APPENDIX B

To: Intervention Assistance Team

Appendix B
Sample 6
(Page 1 of 3)

District Teacher Checklist Form

REQUEST FOR CONSULTATION ASSISTANCE
TEACHER CHECKLIST

Student's Name ________________________________ Grade Level __________

Teacher's Name ____________________ School ______________ Date __________

Please indicate areas of strength and weakness relative to his/her peer group.

S= Satisfactory U= Unsatisfactory N/A= Not Applicable

Listening Comprehension:

_______ 1. Can be understood when speaking
_______ 2. Can tune out noise distractions
_______ 3. Follows oral directions
_______ 4. Remembers spoken information

Comments: ____

____

Reading Skills and Comprehension:

_______ 1. Identifies alphabet letters presented in random order
_______ 2. Can discriminate between letter sounds
_______ 3. Knows letter sound relationships
_______ 4. Blends sounds to identify words
_______ 5. Applies word attack skills
_______ 6. Does not reverse letters
_______ 7. Does not reverse words
_______ 8. Reads vocabulary words at grade levels
_______ 9. Demonstrates comprehension when reading

Comments: ____

____

Oral Expression:

_______ 1. Can be understood when speaking
_______ 2. Oral vocabulary adequate to express ideas
_______ 3. Makes sense in conversation
_______ 4. Use of grammar and sentence structure is as mature as peers
_______ 5. Relates information in proper sequence
_______ 6. Makes appropriate responses to questions

Comments: ____

____

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District Classroom Observation Report Form

REQUEST FOR CONSULTATION-ASSISTANCE
CLASSROOM OBSERVATION REPORT

Student's Name____________________ Observer____________________

Date of Observation ____________________ Time ____________ to ____________

Subject/Activity____________________ Teacher____________________

1. Describe in detail student's learning behavior during observation:

2. Describe in detail the nature and extent of student's off-task behavior:

3. Describe any unusual external circumstances or situations that occurred during the observation (e.g., other students' behavior, fire drill, illness, unexpected visitor, etc.)

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District IAT Conference Summary Form

REQUEST FOR CONSULTATION-ASSISTANCE
IAT CONFERENCE SUMMARY

I. Student's Name ______________________________ Date ________________

II. Recommended instructional, management, and/or material changes to be implemented. To the extent possible, all changes should be measurable.

III. This plan will be implemented by ____ for ______________________________ (period of time). The implementation of this plan will be monitored by the building principal and will be reviewed by the members on

Date ____________, Time ___________, Place ________________________

IAT Members' Signatures

______________________	______________________
______________________	______________________
______________________	______________________
______________________	______________________
	(Principal)

IV. Review Summary of Interventions Recommended

1. What changes were noted in the student during the implementation period (be specific):

2. ________ The recommended intervention strategies produced satisfactory results and no further assistance is needed.

3. ________ Additional intervention strategies are needed. Additional recommendations:

4. ________ The intervention strategies did not produce satisfactory progress and the student may have a suspected disability.

Date ______________

IAT Members' Signatures

______________________	______________________
______________________	______________________
______________________	______________________
______________________	______________________
	(Principal)

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APPENDIX C

CHILD INFORMATION MANAGEMENT SYSTEM (CIMS)

CIMS-Manual

I. Capabilities and Characteristics of CIMS-Manual

The CIMS-Manual (CIMS-M) is offered as an alternative to the electronic programs for districts whose information management needs are not as extensive as other school districts, but yet must meet federal and state requirements for management of data collected on children who have or may have a disability. Information is entered by completing the necessary blanks on the CIMS-M card. It is recommended that pencil or erasable ink be used for updating purposes.

II. Overview of System

Materials: The basic component in the CIMS-M is the CIMS-M card, which is a printed card.

Organization: The CIMS-M may be organized according to school district needs. It may be organized in any of the following ways:

Alphabetic Order - This method is simple filing by alphabetic order. This method will permit users to locate any child in the system by knowing only the name of the child. This method of organization does not permit rapid determination of single or multiple factor items for tasks such as child count, unit application, or reevaluation dates. Districts who maintain lists with classes, related services, birth dates, or evaluation dates, may want to consider this method of organization.

Disability in Alphabetic Order - This method involves filing students alphabetically by disability. Divider cards would be used to designate disability. This method would permit rapid collection of data for child count and unit application. However, this method requires that the student's disability be known, in addition to name, for location in the system.

School-Disability in Alphabetic Order - This method involves filing students by facility of attendance according to disability. Dividers would designate facility and then be subdivided by disability within the facility. This facilitates child count, unit application, management of data as the child progresses from elementary to high school, and updating of cards for the periodic review section. This method requires that the user know the facility of attendance, disability, and name of student.

School-Class or Program in Alphabetic Order - This method involves filing students by facility of attendance and class alphabetically. Dividers would be used to designate facility, and subdivided into classes within the facility. It may be useful to school districts having two or more classes of the same disability, e.g., two SLD classes, in the same building. This method facilitates unit enrollment projections, unit applications, and child count, but the user must know the student's facility of attendance, specific class, and name.

Inactive Files - Regardless of which method districts elect to use, a separate section should be maintained for students who are no longer in the system, or are not disabled. This facilitates drop out and graduation rate studies and retrieval of information regarding students who have been out of the system for long periods of time so that data destruction procedures could be implemented. Use of this method also ensures accuracy of class enrollment projections and child count.

III. Data Entry

In order to enter data into the CIMS-M, the individual responsible for entering the data requires access to information contained in the following forms:

CI-204	School-Age Request for Assistance
CI-205	Preschool Request for Assistance
CI-211	Determination of Suspected Disability
CI-214	EMIS Information Completed at IEP Meeting
PS-402	Request for Parent Consent for Evaluation
IEP-607	Individualized Education Program (hereafter designated IEP)
MFE-501a-o	Evaluation Team Report (or equivalent MFE team report)

If an impartial hearing is requested, information from the following forms would be needed:

DP-702	Request for an Impartial Due Process Hearing
DP-704	Parent Notification of Agency Request for Impartial Due Process Hearing
DP-705❖	Case Conference Summary

IV. Directions for Completion of CIMS-M card

A. General

1. Data should be entered in erasable ink or No. 2 pencil. This will permit updating without completing another CIMS-M card.

B. Child Information Management System (CIMS)

NAME__________(1)__________
(Last) (First) (MI)
D.O.B_____(2)____ SEX____(3)____
ADDRESS________(4)________
____
TELEPHONE ( ) _____(5)_______
NAME ____________________
_____PARENT(S) (FATHER)____(6)____
(MOTHER)____(7)____
___LEGAL GUARDIAN _____(8)_____
___PARENT SURROGATE _____(9)_____
ADDRESS OF ABOVE _____(10)_____
____
TELEPHONE OF ABOVE ( ) ____(11)____
DISTRICT OF RESIDENCE____(12)____
DISTRICT OF ATTENDANCE ____(13)____
REASON FOR UNSERVED STATUS____(14)____
PRIMARY DISABILITY/DEFICIT(S)____(15)____
PRIMARY PROGRAM_____(16)_____

TEACHER__________(17)______
RELATED SERVICES_______(18)______
____
____
FACILITY OF ATTENDANCE____(19)____
SUSPECTED DISABILITY/DEFICIT(S)____(20)___
DATES OF :
REFERRAL__________(21)_____
COMMITTEE RECEIPT_______(22)_____
PARENT/STUDENT NOTICE _____(23)_____
PARENT/STUDENT CONSENT OR REFUSAL______(24)_____
MULTIFACTORED EVAL. ______(25)_____
REEVALUATION _______(26)_____
IEP CONFERENCE _______(27)_____
PARENT/STUDENT CONSENT OR REFUSAL FOR PLACEMENT ____(28)_____
ACTUAL PLACEMENT______(29)_____
PERIODIC REVIEW_______(30)_____
TERMINATION - PRI. PROG.____(31)_____
TERMINATION - REL. SERV.____(32)_____

❖Denotes optional procedure/form

Data Entered	Data Source
1. Enter child's name in terms of last, first, middle initial (if available).	CI-204, CI-205, IEP
2. Enter date of birth by year, month, day.	CI-204, CI-205, IEP
3. Enter sex "M" or "F".	CI-204, CI-205, IEP
4. Enter student's legal address by street number or P.O. Box, City, State, and Zip Code.	CI-204, CI-205, IEP
5. Enter telephone number. If none, enter "N".	CI-204, CI-205, IEP
6. If appropriate, check box and enter father's full name.	CI-204, CI-205, IEP
7. If appropriate, check box and enter mother's full name.	CI-204, CI-205, IEP
8. If appropriate, check box and enter legal guardian's full name.	CI-204, CI-205, IEP
9. If appropriate, check box and enter surrogate parent's full name.	CI-204, CI-205, IEP
10. Enter address of above by street number or P.O. Box, City, State, and Zip Code.	CI-204, CI-205, IEP
11. Enter telephone number. If none, enter "N".	CI-204, CI-205, IEP
12. Enter the legal school district of residence.	CI-204, CI-205, IEP
13. Enter the school district where the child attends school or where the facility is located.	CI-204, CI-205, IEP
14. If the child is identified as disabled and is not receiving an appropriate public education, the reason(s) must be recorded and coded as follows: CA - Not compulsory school-age O - Other* *There are few legal reasons for this situation to occur.	Superintendent or Designee
15. Enter the child's primary disability as determined by the Multifactored Evaluation Team Report or area(s) of disability and deficit area for preschool children. Abbreviate as follows:	MFE-501n

Disability – School-Age	Enter
Autism	AU
Deaf-Blindness	DB
Deafness and Hearing Impaired	DHI
Emotional Disturbance	ED
Mental Retardation	MR
Multiple Disabilities	MD
Orthopedic Impairment	OI
Other Health Impairment	OHI
Specific Learning Disability	SLD
Speech or Language Impairment	SLI
Traumatic Brain Injury	TBI
Visually Impaired	VI

Deficit Area - Preschool	Enter	Date Source
Cognitive Ability and one or more of the areas listed below	CA-Area	
Adaptive Behavior and one or more of the areas listed below	AD-Area	
Communication Skills	COM	
Hearing Abilities	HA	
Motor Functioning	MF	
Social-Emotional/Behavioral Functioning	SE	
Vision Abilities	VA	

16. Enter the primary program in which the child receives special education by program and program option code as follows:		CI-214

Programs - School Age	Enter
Deafness and Hearing Impaired	DHI
Emotional Disturbance	ED
Mental Retardation	MR
Multiple Disabilities	MD
Orthopedic Impairment	OI
Other Health Impairment	OHI
Specific Learning Disability	SLD
Speech or Language Impairment	SLI
Visually Impaired	VI

Program - Preschool	Enter
Preschool	PRE

Program Options - School Age	Enter
Regular Class	RC
Regular Class with Supplemental Services	SST
Individual/Small Group Instruction	ISI
Learning Center	LC
Special Class	SC
Special Class/Separate Facility	SC/SF
Home Instruction	HI
Other	O

Examples - School Age	Enter
SLD Student in Special Class	SLD-SC
MD Student in 169 Program	MD-SC/SF
ED Student on Home Instruction	ED-HI
SLD Student Receiving Services in Regular Classroom	SLD-RC

Program Options - Preschool	Enter
Center Based Integrated (Includes typically developing peers)	CBI
Center Based Mainstreamed (Children are mainstreamed into other classes with typically developing peers)	CBM

Program Options – Preschool (Continued)	Enter	Data Source
Center Based Reverse Mainstreamed (Typically developing children are brought into the class)	CBRM	
Center Based Self Contained (Children are in a self contained class and there is no planned interaction with typically developing peers)	CBSC	
Center Based Separate Facility (Children attend facility where there are no typically developing peers)	SBSF	
Itinerant Services Home Based	ISHB	
Itinerant Services Preschool Program (Child is enrolled in a chartered public or nonpublic preschool, community-based licensed day care or Head Start, and receives itinerant services)	ISPP	
Itinerant Services Kindergarten (Child's primary placement is in regular kindergarten and receives itinerant services.	ISKG	

Examples – Preschool	Enter
- child attends special class in a public school with 6 typically developing peers	PRE-CBI
- child attends County Board of MR/DD with no typically developing peers	PRE-CBSF
- child attends day care center and receives itinerant services	PRE-ISPP

17.	Enter the last name then first initial of student's present special education teacher.	IEP
18.	Enter any related services being provided. Code as follows:	IEP

Related Service	Enter
Attendant Services	ATT
Audiological Services	AUD
Counseling Services	CS
Guide Services	GUI
Interpreter Services	INT
Medical Services	MED
Occupational Therapy Services	OT
Orientation Mobility Services	OMS
Physical Therapy Services	PT
Reader Services	RS
Recreation	RC
School Psychological Services (counseling child)	PSY/C
School Psychological Services (counseling parents)	PSY/P
Teacher Aide Services	ADE

Related Service (Continued)	Enter	Data Source
Social Work Services	SWS	
Speech and Language Services	SLP	
Supervisory Services	SUP	
Vocational Special Education Coordinator Services	VOED	
Work-Study Coordination Services	WS	
Other	O	
No related services	leave blank	

19. Enter the facility where the student will attend to receive special education and/or related services. Code as follows: — IEP

	Enter
Elementary	(Name of School)ELE
Middle School	(Name of School)MS
Junior High School	(Name of School)JHS
High School	(Name of School) HS
Joint Vocational School	(Name of School)JVS
County Board of MR/DD	(Name of School)MR/DD
Sheltered Workshop	(Name of School)SWS
Private Residential Facility	(Name of School)PRF
Private School	(Name of School)PRS
State Institution	(Name of School)SI
Other Facility	(Name of School)O
Ohio School for the Deaf	OSD
Ohio School for the Blind	OSB
Ohio Youth Commission	OYC
Day Care Center	(Name of Center)DC
Preschool Program Housed in a Separate Facility	(Name of Facility)SF
Head Start Program	(Name of Program)HS
Home	HOME

20. Enter the student's original suspected disability or deficit for preschool. Code as follows: — CI-211

Suspected Disability - School Age	Enter
Autism	AU
Deaf-Blindness	DB
Deafness and Hearing Impaired	DHI
Emotional Disturbance	ED
Mental Retardation	MR
Multiple Disabilities	MD
Orthopedic Impairment	OI
Other Health Impairment	OHI
Specific Learning Disability	SLD
Speech or Language Impairment	SLI
Traumatic Brain Injury	TBI
Visually Impaired	VI

Deficit Area - Preschool	Enter
Cognitive Ability and one or more of the areas listed below	CA-Area
Adaptive Behavior and one or more of the areas listed below	AD-Area
Communication Skills	COM
Hearing Abilities	HA
Motor Functioning	MF
Social-Emotional/Behavioral Functioning	SE
Vision Abilities	VA

21. Enter the date that the "Request for Assistance" form was completed by the referring person. — CI-204, CI-205

Data Entered	Data Source
22. Enter the date that the "Request for Assistance" form was received.	CI-204, CI-205
23. Enter the date that the Written Notice to Parents form was sent to the parent.	PS-401
24. Enter the date that the Request for Parent Consent form was signed.	PS-402
25. Enter the date that the MFE report was completed.	MFE-501a
26. Enter the date that the report of the multifactored team reevaluation was completed.	MFE-501a
27. Enter the date that the initial IEP conference occurred.	IEP
28. Enter the date that the parent or student permission or refusal for placement was made.	IEP
29. Enter the date that the special education program and/or related services were initiated.	IEP
30. Enter the date that the periodic review was conducted.	IEP
31. Enter the date that the primary program was terminated (i.e., child was phased out or program was changed).	IEP
32. Enter the date that the related service(s) was/were terminated.	IEP

STUDENT STATUS ______________

DATE(S):

MOVED (33) ______________

RE-ENTERED (34) ______ ______

DROPPED OUT (35) ______ ______

GRADUATED ______ (36) ______

NO LONGER SCHOOL-AGE (37) ______

OTHER ________ (38) ________

____

____

____

IMPARTIAL HEARING

DATE(S) OF REQUEST FOR IMPARTIAL HEARING

(✔)		
___	PARENT(S)	39
___	SCHOOL DISTRICT OF RESIDENCE	40
___	SCHOOL DISTRICT OF ATTENDANCE	41
___	OTHER EDUCATIONAL AGENCY	42
	PARENT NOTIFICATION OF AGENCY REQUEST	43
	MEDIATION CASE CONFERENCE, IF APPLICABLE	44
	ADMINISTRATIVE REVIEW	45
	PREHEARING CONFERENCE	46
	LIST OF IMPARTIAL HEARING OFFICERS SENT	47
	IMPARTIAL HEARING CONDUCTED	48
	STATE LEVEL REVIEW CONDUCTED	49
	APPEAL TO COURTS	50

Data Entered	Data Source
33. Enter the date that the student moved from the school district (do not record moves within the school district as they are documented by address and facility of attendance updates). Card should be placed in Inactive File if student moves from district.	Principal, Teacher, Guidance Counselor
34. Enter the date that a previously enrolled student re-enrolls. Reactivate card and file appropriately.	Principal, Teacher, Guidance Counselor
35. Enter the date that the student officially drops out of school. Card should be placed in Inactive File.	Principal, Teacher, Guidance Counselor
36. Enter the date of graduation. Card should be placed in the Inactive File.	Principal, Teacher, Guidance Counselor
37. Enter the date that the student turns 22 (if this occurs during the school year, the student is eligible for services for the remainder of the year). Card should be placed in Inactive File.	CI-204, IEP
38. This area is for school district use to document additional information that the district needs.	
39. If parent requests an impartial hearing, check this box and enter the date of the request.	DP-702
40. If school district of residence requests an impartial hearing, check this box and enter the date of the request.	DP-703
41. If school district of attendance requests an impartial hearing, check this box and enter the date of the request.	DP-703
42. If another educational agency requests an impartial hearing, check this box and enter the date of the request.	DP-704
43. Enter the date that the parent was notified of the agency request for impartial hearing.	DP-704
44. If mediation was attempted, enter date of case conference.	DP-705❖
45. If an administrative review was held, enter date of review.	Superintendent or Designee
46. If a pre-hearing conference was held, enter date of conference.	Superintendent or Designee
47. Enter date that impartial hearing officer list was sent to parent.	Superintendent or Designee
48. Enter the date of the impartial hearing.	Superintendent or Designee
49. Enter date of State level review, if held.	Superintendent or Designee
50. Enter the date that the case was appealed to the courts.	Superintendent or Designee

❖Denotes optional procedure/form

Child Information Management System – Personal Computer (CIMS-PC)

I. Capabilities and Characteristics of Child Information Management System – Personal Computer (CIMS-PC)

CIMS-PC is designed to interface with the Child Information Management System- Manual (CIMS-M). While it is not essential that CIMS-M be in place, data entry to the CIMS-PC program will be greatly facilitated, as the information to be entered in the CIMS-PC program can be the same as that contained on the CIMS-M cards.

If the data is properly entered and maintained, CIMS-PC will perform the following functions:

1. Storage of data on a limitless number of children who have or may have a disability.
2. Retrieval of single or multiple item data on children who have or may have a disability.
3. Retrieval of information to generate:
    a. class lists
    b. lists of children needing reevaluation
    c. address labels
    d. child count data
    e. lists of students being provided with specific related services
    f. periodic review lists
    g. other information as needed

In order to operate this program, the user must have access to the following:
- a personal computer with adequate memory
- a video monitor
- a disk drive and/or hard drive
- a printer
- database software with at least 50 fields

II. Data Entry

Data entry is achieved through a personal computer. The user needs to become familiar with the rules for data entry and retrieval of the particular database program used. The following page contains a sample format.

III. Data Updating

Specific instructions for updating information will be provided in the database program manual.

IV. Data Retrieval

Retrieval of data may be accomplished by various methods described in the database program manual. Data may be retrieved for individual students, groups of students, or the entire school district.

V. Reports

Various database files may be programmed to generate the following reports:
1. Reevaluation lists
2. Class lists
3. Child count data
4. Students receiving related services
5. Periodic review lists
6. Address labels
7. Special transportation lists

In addition, some database programs have the capability to merge information from the database into a word processor, thus creating the possibility of printing personalized form letters for reevaluations, periodic review invitations, and other appropriate uses. Prospective users of a CIMS-PC system are urged to review several programs for their capabilities before purchasing a program.

Sample CIMS-PC Format

*Name:

*Address:
*City/State/Zip:
*D.O.B: Phone:
*Name of:
Student:

*Father:

*Mother:

*Guardian:

*Surrogate:

*Address of Above:
*City/State/Zip:
*Telephone of Above: Sex:

Dates of:
*Referral:
Receipt by Committee:
Parent/Student Notice:
Parent/Student Permission:
Parent/Student Refusal:
*Multifactored Evaluation:
*Reevaluation:
*IEP Conference:
Parent/Student Permission:
Parent/Student Refusal:
*Actual Placement:
*Last Periodic Review:
Termination Primary Prog.:
Termination Related Serv.:
Moved:
Re-Entered:
Dropped Out:
Graduated:
Special Transportation:

*Primary Program:
Teacher:
*Related Services:

*Facility of Attendance:

*District of Attendance:

*District of Residence:

*Service Classification:
*Reason(s) for Unserved Status:

*Suspected Disability/Deficit(s):
*Primary Disability/Deficit(s):

Dates of Impartial Hearing:
Request for Hearing by:
Parent(s):
District of Residence:
District of Attendance:
Other Ed. Agency:

Parent Notification of Agency Request:

Mediation, if Applicable:
Case Conference:
Administrative Review:
Pre-Hearing Conference:

IHO List Sent:

Hearing Held:
State Review:
Appeal to Court:

***Items mandated by State Rules**

SECIMS

The Special Education Child Information Management System (SECIMS) is a computerized child information management system developed by the Ohio Department of Education. It is designed to operate from a mainframe computer located at the A-site serving the school district.

School districts wishing to review and/or use the system should contact their A-site directly. Additional information may also be secured through VAXNOTES.

APPENDIX D

Interagency Agreement on Transition
From Early Intervention (Part C)
To Preschool Special Education Programs (Part B)
Or Other Appropriate Services

INTRODUCTION

Families of children with disabilities and/or developmental delays are faced with numerous transitions. When these expected or unexpected transitions occur, systematic procedures are needed to assure that continued support is provided to the child and family. Experience has shown us that the transition from early intervention to an early childhood program is a major event in the lives of children and their families. A family's participation is crucial to successful transition and families need to be included in every aspect of transition planning.

PURPOSE

The purpose of this agreement is to ensure collaboration in the continuation of a statewide, comprehensive, coordinated, and interagency transition process. Our commitment is to keep each other well informed, avoid duplication of effort, provide services that are of the highest possible quality, ensure that the needs and aspirations of families and children are at the center of each child's transition, and deliver services in the least restrictive environment that is appropriate for each child. This agreement is for infants and toddlers with disabilities and/or developmental delays and their families who are eligible under Part C of the Individuals with Disabilities Education Act (IDEA), moving from early intervention services into preschool special education programs or other appropriate services.

The agencies participating in this agreement are the Department of Health, Bureau of Early Intervention Services (ODH, BEIS) and The Department of Education, Division of Early Childhood Education, (ODE, DECE), in collaboration with the Ohio Department of Mental Retardation and Developmental Disabilities and the Ohio Head Start Collaboration Project.

This agreement specifies the roles and responsibilities of the participating agencies and provides guidance for its continuation. All parties to this agreement are referred to as agencies. Each agency is represented on the State Transition Committee. The membership of the Committee is included in Appendix A.

It is the intent of this agreement to ensure the following:

- The continuation of an interactive, cooperative relationship at the State level that results in effective and efficient services and supports for eligible infants, toddlers, and their families throughout the transition process.

- Cooperative fiscal planning which will maximize utilization of available funds in providing a smooth transition process.

INTENDED OUTCOMES

It is agreed that the potential benefits from cooperation among the State departments include the following:

- A smooth transition process for children moving from early intervention services into preschool special education programs or other appropriate services.
- The delineation of the procedures and policy of the transition process.
- The identification of the responsibilities of each agency during the transition process.
- The provision of information and supports to families during the transition process to ensure their effective participation.
- The promotion of partnerships between and among agencies and families.

AUTHORITY

- Part C and B of the Individuals with Disabilities Education Act (IDEA)
- The Head Start Act
- The Americans with Disabilities Act of 1990
- ODE Model Policy and Procedures
- Ohio Revised Code 3323
- Executive Order 99-13T

AGENCY RESPONSIBILITIES

The ultimate responsibility for the Part C Birth to Three Program rests with the lead agency, The Ohio Department of Health, Bureau of Early Intervention Services with the advice and assistance of Ohio's Interagency Coordinating Council. However, each agency agrees to continue existing responsibilities already under their agency and to participate in the overall coordination and implementation of services. The following narrative describes the specific role for agencies:

- Each agency will appoint a representative from that agency to serve on the State Transition Committee.
- Each agency will provide oversight to the procedures that have been agreed on in the attached *Implementation Agreement on Transition* (Appendix B).
- Each agency will participate in funding the Ohio Transition Initiative.

REAUTHORIZATION SCHEDULE AND NEGOTIATION PROCEDURES

This Interagency Agreement shall be in effect immediately upon the written signatures of all parties and will remain in effect until a new agreement is signed. This Agreement shall be reviewed biennially and reauthorized at least every four years, by the Ohio Department of Health and the Ohio Department of Education. The Department of Mental Retardation and Developmental Disabilities, Head Start and families will provide an advisory role in the reauthorization of this document. Renegotiations of any portion of this agreement may occur at any time for good cause, upon the written request of any of the participating agencies.

8/15/99
Date

J. Nick Baird, M.D.
Director of Health
Ohio Department of Health

Susan Tave Zelman

8/6/99
Date

Dr. Susan T. Zelman
Superintendent of Public Instruction
Ohio Department of Education

Implementation Agreement on Transition from Early Intervention (Part C) to Preschool Special Education Programs (Part B) or Other Appropriate Services

DEFINITION OF TRANSITION:

Transition is the process for movement of infants, toddlers, and their family between or within service delivery systems. Transition is not a discreet event. Successful transition processes are ongoing and future focused.

PURPOSE OF THE IMPLEMENTATION AGREEMENT:

to encourage local agencies to develop interagency agreements which outline responsibilities and specific procedures to assure successful transitions from Early Intervention services.

to ensure a smooth transition for children moving from Early Intervention services into preschool special education programs or other appropriate services.

to delineate the procedures of the transition process.

to identify the responsibilities of each agency and role of the family during the transition process.

to promote partnerships between and among agencies and families.

LIMITATIONS OF THIS AGREEMENT:

Although families of young children in Early Intervention experience a variety of transitions, this Interagency Agreement only addresses the transition at age 3 from Early Intervention to Preschool Special Education programs or other appropriate services.

I. PREPARATION FOR THE TRANSITION PLANNING CONFERENCE

(180 days prior to child's 3rd birthday)

The IFSP Service Coordinator will:

1. Address the transition process at all Individualized Family Service Plan (IFSP) meetings as a continuous process rather than a discreet event.
2. Inform families that they have the right to decide who will be invited to the transition planning conference and which records, if any, will be released to another agency or program.
3. Discuss with the family 180 days prior to the child's third birthday activities to prepare for the Transition Planning Conference. This discussion should occur at one of the regularly scheduled 90 day IFSP reviews. This discussion should include, but is not limited to reviewing:
    - A. The child's progress.
    - B. Whether or not there are concerns about the child's development.
    - C. The need for service coordination beyond age 3
    - D. Service delivery options for which the child may be eligible at age three including but not limited to: public preschool, Head Start, preschool special education and other private programs.
    - E. The input of individuals who have or may have information that will enhance the transition process for the child and family.

If there IS NOT A CONCERN about the child's development

This option should only be used if there is absolute certainty that the child's development is completely within the range typical for the child's age. Otherwise, the IFSP Service Coordinator may be denying the family and child the right to a Free and Appropriate Public Education (FAPE)

The IFSP Service Coordinator will:

1. Review with the family non-special education services options i.e. Head Start, Child Care.
2. Identify with the family who will be invited to the Transition Planning Conference.
3. Secure written parental permission for the release of specific records to those agencies that may participate.

If there IS A CONCERN about the child's development

The IFSP Service Coordinator will:

1. Inform the family of their right to decide if they want Local Education Agency (LEA) involvement.
2. Obtain consent from the family for the LEA and other appropriate agencies to participate in a Transition Planning Conference to be held at least 120 days prior to the child's third birthday. If the family will not give consent for LEA involvement, eligibility for preschool special education programs cannot be determined. ***It is important to explain to the family that a delay in consent for LEA involvement and referral may mean a delay in services should the family later decide to refer for services.***

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4. Schedule the Transition Planning Conference at a time mutually agreed upon by the parent and other individuals who are invited to the Transition Planning Conference no later than 120 days prior to the child's third birthday.
5 Send written notification of the Transition Planning Conference in sufficient time to assure attendance.
6. Document the above activities that prepare for the Transition Planning Conference on the IFSP.

3. Assist the family in completing the ODE Preschool Request for Assistance Form.
4. Secure written parental permission for the release of specific records to the LEA. The family must give consent to have specific records released and be informed as to the purpose for releasing the records.
5. If parental permission has been given for the release of records, send information to the identified LEA personnel prior to the Transition Planning Conference. At a minimum, families shall be encouraged to share:

    A. A current copy of the IFSP which includes present level of performance and early intervention services.
    B. Assessments that have occurred in the previous year, and if not contained in the child's records, where the information can be obtained.
    C. Written reports from service providers within the last year.
    D. Health information
    E. Medical history
    F. ODE Preschool Request for Assistance Form

6. Schedule a Transition Planning Conference at a time mutually agreed upon by the family, identified LEA representative and other appropriate team members, no later than 120 days prior to the child's third birthday. Each individual will receive written notification of the Transition Planning Conference in sufficient time to assure attendance.
7. Document the above activities that prepare for the transition planning conference on the IFSP.

II. TRANSITION PLANNING CONFERENCE

(120 days prior to child's 3rd birthday)

Transition Planning Conference without LEA involvement

This will occur only if parents do not give permission for the LEA to attend, or if there is certainty that the child's development is completely within the range typical for the child's age.

The IFSP Service Coordinator will:

1. Provide specific information about early childhood programs.
2. Determine what activities need to occur so that the child will receive the selected services at age three (i.e., arrange for families to meet with program representatives).
3. Continue to update the transition plan with the family which is incorporated into the IFSP. The plan should include:
   - A. A sequence of activities to ensure a smooth transition at age 3.
   - B. The individual responsible for each activity.
   - C. A timeline for the completion of each activity.

****

END

Transition Planning Conference with LEA involvement

The local education agency (LEA) will participate in the Transition Planning Conference if there are concerns about the child's development and written parental consent has been obtained (P.L. 105-17, sec. 637(a)(8)(II) and 612(a)(9)

The LEA will:

1. Inform families of their due process and procedural safeguards.
2. Review the child's records and the Request for Assistance Form with the family and other team members.
3. Decide with the family and other team members whether there is a suspected disability.

The IFSP Service Coordinator will:

1. Participate in the Transition Planning Conference.
2. Discuss community services which the child/family may need and/or for which they may be eligible.
3. Continue to update the transition plan with the family which is incorporated into the IFSP. The plan should include:
   - A. A sequence of activities to ensure a smooth transition at age 3.
   - B. The individual responsible for each activity.
   - C. A timeline for the completion of each activity.

III. NEXT STEPS

(May occur at the Transition Planning Conference with LEA)

If there is NOT A SUSPECTED DISABILITY

The LEA will:

1. Document that information regarding the child was reviewed and there is not a suspected disability.
2. Inform families about other early childhood programs (i.e., head start, child care, private preschools) for which their child may be eligible.

The IFSP Service Coordinator will:

1. Continue to assist in linking the family with appropriate services for which their child may be eligible.
2. Continue to update the transition plan with the family which is incorporated into the IFSP.

****

END

If there IS A SUSPECTED DISABILITY

The LEA will:

1. Obtain written parental permission for a multi-factored evaluation (MFE). ***An IEP meeting shall be convened within 90 days of written parental permission for the MFE.***
2. Provide information to the family regarding preschool programs under Part B for which their child may qualify.

The IFSP Service Coordinator will:

1. Continue to discuss community services which the child/family may need and/or for which they may be eligible.
2. Continue to update the transition plan with the family which is incorporated into the IFSP.

IV. The LEA Multifactored Evaluation Conference

(Within required timelines)

At a subsequent meeting, the family and other team members will:

1. Review the results of the MFE
2. Determine eligibility for preschool special education services

Child IS NOT ELIGIBLE for Preschool Programs under Part B

The LEA will:

1. Document what information regarding the child was reviewed and that the child is not eligible for Part B services.
2. Inform the family about other early childhood programs (i.e., head start, child care, private preschools) for which their child may be eligible.

Child IS ELIGIBLE for Preschool Programs Under Part B

The LEA will:

1. In partnership with the family and other appropriate team members, develop the Individualized Education Program (IEP) before the child's third birthday.
2. Initiate services in accordance with the IEP.

The IFSP Service Coordinator will:

1. Continue to assist in linking the family with appropriate services for which their child may be eligible.
2. Continue to update the transition plan with the family which is incorporated into the IFSP.

A child may remain in the Early Intervention Program after age three if the child does not meet eligibility criteria for preschool programs under Part B and the family and IFSP team agree. In this case the child remains on an IFSP.

If a child remains on an IFSP, for any reason, after the child's third birthday, services from the EI system continue only for a temporary and brief period of time.

If the child has been determined by the LEA to be eligible for preschool Part B programs and there is mutual agreement of the family and the rest of the IEP/IFSP team members, the child may continue to receive services from the Early Intervention (EI) system. In this case, an IEP must be developed and all procedural safeguards apply. Services from the EI system continue only for a brief period of time until the child moves into the preschool Part B program.

If a child remains on an IFSP for any reason, after the child's third birthday, services from the EI system continue only for a temporary and brief period of time.

A child eligible for preschool Part B programming who will turn three by December 1 may begin preschool Part B programming at the beginning of the school year if the family, IEP and IFSP team members mutually agree. The LEA is responsible for the IEP development.

Data Collection

The Early Intervention Central Coordinating Site will:

Report to the LEA the number of children and birthdates of children currently receiving intervention services and having an IFSP. The child's name may be shared with written parental permission. This will be done by February 1, on an annual basis.

This information is not intended to imply that these children are eligible for preschool Part B programs.

Evaluation

The Early Intervention Central Coordinating Site will:

Mail the ODH Early Intervention Parent Transition Survey to the family 30 days after exiting Part C services and beginning another program. The surveys are returned by the family to the Ohio Department of Health, Bureau of Early Intervention. Each County Collaborative Group will receive a summary of survey results annually from the Ohio Department of Health, Bureau of Early Intervention Services.

Local early intervention programs are encouraged to conduct local evaluations of their transition planning process.

Family Educational Rights and Privacy Act Regulations

34 CFR Part 99

Subpart A—General

Section

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99.4 What are the rights of parents?

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Section

99.10 What rights exist for a parent or eligible student to inspect and review education records?

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Subpart E—What Are the Enforcement Procedures?

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99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?

99.62 What information must an educational agency or institution submit to the Office?

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99.65 What is the content of the notice of complaint issued by the Office?

99.66 What are the responsibilities of the Office in the enforcement process?

99.67 How does the Secretary enforce decisions?

Subpart A—General

§ 99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in § 99.10, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary, if—

(1) The educational institution provides educational services or instruction, or both, to students; or

(2) The educational agency provides administrative control of or direction of, or performs service functions for, public elementary or secondary schools or postsecondary institutions.

(b) This part does not apply to an educational agency or institution solely because students attending that agency or institution receive non-monetary benefits under a program referenced in paragraph (a) of this section, if no funds under that program are made available to the agency or institution.

(c) The Secretary considers funds to be made available to an educational agency or institution if funds under one or more of the programs referenced in paragraph (a) of this section—

(1) Are provided to the agency or institution by grant, cooperative agreement, contract, subgrant, or subcontract; or

(2) Are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (Titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(d) If an educational agency or institution receives funds under one or more of the programs covered by this section, the regulations in this part apply to the recipient as a whole, including each of its components (such as a department within a university).

(Authority: 20 U.S.C. 1232g)

§ 99.2 What is the purpose of these regulations?

The purpose of this part is to set out requirements for the protection of privacy of parents and students under section 444 of the General Education Provisions Act, as amended.

(Authority: 20 U.S.C. 1232g)

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NOTE: 34 CFR 300.560-300.576 contain requirements regarding confidentiality of information relating to handicapped children who receive benefits under the Education of the Handicapped Act.

§ 99.3 What definitions apply to these regulations?

The following definitions apply to this part:

"Act" means the Family Educational Rights and Privacy Act of 1974, as amended, enacted as section 444 of the General Education Provisions Act.

(Authority: 20 U.S.C. 1232g)

"Attendance" includes, but is not limited to:

(a) Attendance in person or by correspondence; and

(b) The period during which a person is working under a work-study program.

(Authority: 20 U.S.C. 1232g)

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.

(Authority: 20 U.S.C. 1232g(a)(5)(A))

"Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.

(Authority: 20 U.S.C. 1232g(b)(1))

"Educational agency or institution" means any public or private agency or institution to which this part applies under § 99.1(a).

(Authority: 20 U.S.C. 1232g(a)(3))

"Education records" (a) The term means those records that are:

(1) Directly related to a student; and

(2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

(1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of § 99.8.

(3)(i) Records relating to an individual who is employed by an educational agency or institution, that:

(A) Are made and maintained in the normal course of business;

(B) Relate exclusively to the individual in that individual's capacity as an employee; and

(C) Are not available for use for any other purpose.

(ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.

(4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

(i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;

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(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and

(5) Records that only contain information about an individual after he or she is no longer a student at that agency or institution.

(Authority: 20 U.S.C. 1232g(a)(4))

"Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education.

(Authority: 20 U.S.C. 1232g(d))

"Institution of postsecondary education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

(Authority: 20 U.S.C. 1232g(d))

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.

(Authority: 20 U.S.C. 1232g)

"Party" means an individual, agency, institution, or organization.

(Authority: 20 U.S.C. 1232g(b)(4)(A))

"Personally identifiable information" includes, but is not limited to:

(a) The student's name;

(b) The name of the student's parent or other family member;

(c) The address of the student or student's family;

(d) A personal identifier, such as the student's social security number or student number;

(e) A list of personal characteristics that would make the student's identity easily traceable; or

(f) Other information that would make the student's identity easily traceable.

(Authority: 20 U.S.C. 1232g)

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

(Authority: 20 U.S.C. 1232g)

"Secretary" means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.

(Authority: 20 U.S.C. 1232g)

"Student," except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.

(Authority: 20 U.S.C. 1232g(a)(6))

§ 99.4 What are the rights of parents?

An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.

(Authority: 20 U.S.C. 1232g)

§ 99.5 What are the rights of students?

(a) When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

(b) The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

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(c) If an individual is or has been in attendance at one component of an educational agency or institution, that attendance does not give the individual rights as a student in other components of the agency or institution to which the individual has applied for admission, but has never been in attendance.

(Authority: 20 U.S.C. 1232g(d))

§ 99.7 What must an educational agency or institution include in its annual notification?

(a)(1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

(2) The notice must inform parents or eligible students that they have the right to—

(i) Inspect and review the student's education records;

(ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

(iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and § 99.31 authorize disclosure without consent; and

(iv) File with the Department a complaint under §§ 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the act and this part.

(3) The notice must include all of the following:

(i) The procedure for exercising the right to inspect and review education records.

(ii) The procedure for requesting amendment of records under § 99.20.

(iii) If the educational agency or institution has a policy of disclosing education records under § 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

(b) An educational agency or institution may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.

(Approved by the Office of Management and Budget under control number 1880–0508)

(Authority 20 U.S.C. 1232g(e) and (f).

§ 99.8 What provisions apply to records of a law enforcement unit?

(a) (1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by that agency or institution to—

(i) Enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or Federal law against any individual or organization other than the agency or institution itself; or

(ii) Maintain the physical security and safety of the agency or institution.

(2) A component of an educational agency or institution does not lose its status as a "law enforcement unit" if it also performs other, non-law enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

(b) (1) Records of law enforcement unit means those records, files, documents, and other materials that are—

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(i) Created by a law enforcement unit;

(ii) Created for a law enforcement purpose; and

(iii) Maintained by the law enforcement unit.

(2) Records of law enforcement unit does not mean—

(i) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

(ii) Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

(c) (1) Nothing in the Act prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, State, or Federal law.

(2) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of § 99.30, while in possession of the law enforcement unit.

(d) The Act neither requires nor prohibits the disclosure by any educational agency or institution of its law enforcement unit records.

(Authority: 20 U.S.C. 1232g(a) (4) (B) (ii))

Subpart B—What Are the Rights of Inspection and Review of Education Records?

§ 99.10 What rights exist for a parent or eligible student to inspect and review education records?

(a) Except as limited under § 99.12, a parent or eligible student must be given the opportunity to inspect and review the student's education records. This provision applies to—

(1) Any educational agency or institution; and

(2) Any State educational agency (SEA) and its components.

(i) For the purposes of subpart B of this part, an SEA and its components constitute an educational agency or institution.

(ii) An SEA and its components are subject to subpart B of this part if the SEA maintains education records on students who are or have been in attendance at any school of an educational agency or institution subject to the Act and this part.

(b) The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.

(c) The educational agency or institution, or SEA or its component, shall respond to reasonable requests for explanations and interpretations of the records.

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall—

(1) Provide the parent or eligible student with a copy of the records requested; or

(2) Make other arrangements for the parent or eligible student to inspect and review the requested records.

(e) The educational agency or institution, or SEA or its component, shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(f) While an education agency or institution is not required to give an eligible student access to treatment records under paragraph (b)(4) of the definition of "Education records" in § 99.3, the student may have those records reviewed by a physician or other appropriate professional of the student's choice.

(Authority: 20 U.S.C. 1232g(a)(1)(A) and (B))

§ 99.11 May an educational agency or institution charge a fee for copies of education records?

(a) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.

(Authority: 20 U.S.C. 1232g(a)(1))

§ 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

(1) Financial records, including any information those records contain, of his or her parents;

(2) Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and

(3) Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:

(i) The student has waived his or her right to inspect and review those letters and statements; and

(ii) Those letters and statements are related to the student's:

(A) Admission to an educational institution;

(B) Application for employment; or

(C) Receipt of an honor or honorary recognition.

(c)(1) A waiver under paragraph (b)(3)(i) of this section is valid only if:

(i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

(ii) The waiver is made in writing and signed by the student, regardless of age.

(2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:

(i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

(ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

(3)(i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.

(ii) A revocation under paragraph (c)(3)(i) of this section must be in writing.

(Authority: 20 U.S.C. 1232g(a)(1)(A), (B), (C), and (D))

Subpart C—What Are the Procedures for Amending Education Records?

§ 99.20 How can a parent or eligible student request amendment of the student's education records?

(a) If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.

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(b) The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request.

(c) If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing under § 99.21.

(Authority: 20 U.S.C. 1232g(a)(2))

§ 99.21 Under what conditions does a parent or eligible student have the right to a hearing?

(a) An educational agency or institution shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

(b)(1) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:

(i) Amend the record accordingly; and

(ii) Inform the parent or eligible student of the amendment in writing.

(2) If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.

(c) If an educational agency or institution places a statement in the education records of a student under paragraph (b)(2) of this section, the agency or institution shall:

(1) Maintain the statement with the contested part of the record for as long as the record is maintained; and

(2) Disclose the statement whenever it discloses the portion of the record to which the statement relates.

(Authority: 20 U.S.C. 1232g(a)(2))

§ 99.22 What minimum requirements exist for the conduct of a hearing?

The hearing required by § 99.21 must meet, at a minimum, the following requirements:

(a) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.

(b) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.

(c) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

(d) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under § 99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

(e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.

(f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.

(Authority: 20 U.S.C. 1232g(a)(2))

Subpart D—May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

§ 99.30 Under what conditions is prior consent required to disclose information?

(a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in § 99.31.

(b) The written consent must:

(1) Specify the records that may be disclosed;

(2) State the purpose of the disclosure; and

(3) Identify the party or class of parties to whom the disclosure may be made.

(c) When a disclosure is made under paragraph (a) of this section:

(1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and

(2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(2)(A))

§ 99.31 Under what conditions is prior consent not required to disclose information?

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by § 99.30 if the disclosure meets one or more of the following conditions:

(1) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

(2) The disclosure is, subject to the requirements of § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(3) The disclosure is, subject to the requirements of § 99.35, to authorized representatives of:

(i) The Comptroller General of the United States;

(ii) The Secretary; or

(iii) State and local educational authorities.

(4)(i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(A) Determine eligibility for the aid;

(B) Determine the amount of the aid;

(C) Determine the conditions for the aid; or

(D) Enforce the terms and conditions of the aid.

(ii) As used in paragraph (a)(4)(i) of this section, "financial aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendance at an educational agency or institution.

(Authority: 20 U.S.C. 1232g(b)(1)(D))

(5)(i) The disclosure is to State and local officials or authorities to whom this information is specifically—

(A) Allowed to be reported or disclosed pursuant to a State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

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(B) Allowed to be reported or disclosed pursuant to a State statute adopted after November 19, 1974, subject to the requirements of § 99.38.

(ii) Paragraph (a)(5)(1) of this section does not prevent a State from further limiting the number or type of State or local officials to whom disclosures may be made under that paragraph.

(6)(i) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(ii) The agency or institution may disclose information under paragraph (a)(6)(i) of this section only if:

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(iii) If this Office determines that a third party outside the educational agency or institution to whom information is disclosed under this paragraph (a)(6) violates paragraph (a)(6)(ii)(B) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(iv) For the purposes of paragraph (a)(6) of this section, the term "organization" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

(7) The disclosure is to accrediting organizations to carry out their accrediting functions.

(8) The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954.

[Note: The above section should read "the Internal Revenue Code of 1986."]

(9)(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(iii) If the educational agency or institution initiates legal action against a parent or student and has complied with paragraph (a)(9)(ii) of this section, it may disclose the student's education records that are relevant to the action to the court without a court order or subpoena.

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in § 99.36.

(11) The disclosure is information the educational agency or institution has designated as "directory information," under the conditions described in § 99.37.

(12) The disclosure is to the parent of a student who is not an eligible student or to the student.

(13) The disclosure is to an alleged victim of any crime of violence, as that term is defined in Section 16 of title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime with respect to that crime.

(b) This section does not forbid an educational agency or institution to disclose, nor does it require an educational agency or institution to disclose, personally identifiable information from the education records of a student to any parties under paragraphs (a)(1) through (11) and (13) of this section.

(Authority: 20 U.S.C. 1232g(a)(5)(A), (b)(1), (b)(2)(B), and (b)(6))

§ 99.32 What recordkeeping requirements exist concerning requests and disclosures?

(a)(1) An educational agency or institution shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

(i) The parties who have requested or received personally identifiable information from the education records; and

(ii) The legitimate interests the parties had in requesting or obtaining the information.

(b) If an educational agency or institution discloses personally identifiable information from an education record with the understanding authorized under § 99.33(b), the record of the disclosure required under this section must include:

(1) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and

(2) The legitimate interests under § 99.31 which each of the additional parties has in requesting or obtaining the information.

(c) The following parties may inspect the record relating to each student:

(1) The parent or eligible student.

(2) The school official or his or her assistants who are responsible for the custody of the records.

(3) Those parties authorized in § 99.31 (a)(1) and (3) for the purposes of auditing the recordkeeping procedures of the educational agency or institution.

(d) Paragraph (a) of this section does not apply if the request was from, or the disclosure was to:

(1) The parent or eligible student;

(2) A school official under § 99.31 (a)(1);

(3) A party with written consent from the parent or eligible student;

(4) A party seeking directory information; or

(5) A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(Approved by the Office of Management and Budget under control number 1880–0508)

(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A))

§ 99.33 What limitations apply to the redisclosure of information?

(a)(1) An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

(2) The officers, employees, and agents of a party that receives information under paragraph (a)(1) of this section may use the information, but only for the purposes for which the disclosure was made.

(b) Paragraph (a) of this section does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:

(1) The disclosures meet the requirements of § 99.31; and

(2) The educational agency or institution has complied with the requirements of § 99.32(b).

(c) Paragraph (a) of this section does not apply to disclosures made pursuant to court orders or to lawfully issued subpoenas under § 99.31(a)(9), to disclosures of directory information under §99.31(a)(11), or to disclosures to a parent or student under § 99.31 (a)(12).

(d) Except for disclosures under § 99.31(a)(9), (11) and (12), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

(e) If this Office determines that a third party improperly rediscloses personally identifiable information from education records in violation of § 99.33(a) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(Authority: 20 U.S.C. 1232g(b)(4)(B))

§ 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?

(a) An educational agency or institution that discloses an education record under § 99.31(a)(2) shall:

(1) Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

(i) The disclosure is initiated by the parent or eligible student; or

(ii) The annual notification of the agency or institution under § 99.7 includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll:

(2) Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

(3) Give the parent or eligible student, upon request, an opportunity for a hearing under Subpart C.

(b) An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:

(1) The student is enrolled in or receives services from the other agency or institution; and

(2) The disclosure meets the requirements of paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(b)(1)(B))

§ 99.35 What conditions apply to disclosure of information for Federal or State program purposes?

(a) The officials listed in § 99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.

(b) Information that is collected under paragraph (a) of this section must:

(1) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in paragraph (a) of this section; and

(2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section

(c) Paragraph (b) of this section does not apply if

(1) The parent or eligible student has given written consent for the disclosure under § 99.30; or

(2) The collection of personally identifiable information is specifically authorized by Federal law.

(Authority: 20 U.S.C. 1232g(b)(3))

§ 99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.

(b) Nothing in the Act or this part shall prevent an educational agency or institution from—

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) Paragraphs (a) and (b) of this section will be strictly construed.

(Authority: 20 U.S.C. 1232g(b)(1)(I) and (h))

§ 99.37 What conditions apply to disclosing directory information?

(a) An educational agency or institution may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the agency or institution of:

(1) The types of personally identifiable information that the agency or institution has designated as directory information;

(2) A parent's or eligible student's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and

(3) The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(b) An educational agency or institution may disclose directory information about former students without meeting the conditions in paragraph (a) of this section.

(Authority: 20 U.S.C. 1232g(a)(5)(A) and (B))

§ 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

(a) If reporting or disclosure allowed by State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under § 99.31(a)(5)(i)(B).

(b) The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution that the information will not be disclosed to any other party, except as provided under State law, without the prior written consent of the parent of the student.

(Authority: 20 U.S.C. 1232g(b)(1)(J))

Subpart E—What Are the Enforcement Procedures?

§ 99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

(a) For the purposes of this subpart, "Office" means the Family Policy Compliance Office, U.S. Department of Education.

(b) The Secretary designates the Office to:

(1) Investigate, process, and review complaints and violations under the Act and this part; and

(2) Provide technical assistance to ensure compliance with the Act and this part.

(c) The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term "applicable program" is defined in section 400 of the General Education Provisions Act.

(Authority: 20 U.S.C. 1232g(f) and (g), 1234)

§ 99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?

If an educational agency or institution determines that it cannot comply with the Act or this part due to a conflict with State or local law, it shall notify the Office within 45 days, giving the text and citation of the conflicting law.

(Authority: 20 U.S.C. 1232g(f))

§ 99.62 What information must an educational agency or institution submit to the Office?

The Office may require an educational agency or institution to submit reports containing information necessary to resolve complaints under the Act and the regulations in this part.

(Authority: 20 U.S.C. 1232g(f) and (g))

§ 99.63 Where are complaints filed?

A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office's address is: Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202–4605.

(Authority: 20 U.S.C. 1232g(g))

§ 99.64 What is the complaint procedure?

(a) A complaint filed under § 99.63 must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act or this part has occurred.

(b) The Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of the Act or this part.

(c) A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

(d) The Office extends the time limit in this section if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Office.

(Authority: 20 U.S.C. 1232g(f))

§ 99.65 What is the content of the notice of complaint issued by the Office?

(a) The Office notifies the complainant and the educational agency or institution in writing if it initiates an investigation of a complaint under § 99.64(b). The notice to the educational agency or institution—

(1) Includes the substance of the alleged violation; and

(2) Asks the agency or institution to submit a written response to the complaint.

(b) The Office notifies the complainant if it does not initiate an investigation of a complaint because the complaint fails to meet the requirements of § 99.64.

(Authority: 20 U.S.C. 1232g(g))

§ 99.66 What are the responsibilities of the Office in the enforcement process?

(a) The Office reviews the complaint and response and may permit the parties to submit further written or oral arguments or information.

(b) Following its investigation, the Office provides to the complainant and the educational agency or institution written notice of its findings and the basis for its findings.

(c) If the Office finds that the educational agency or institution has not complied with the Act or this part, the notice under paragraph (b) of this section:

(1) Includes a statement of the specific steps that the agency or institution must take to comply; and

(2) Provides a reasonable period of time, given all of the circumstances of the case, during which the educational agency or institution may comply voluntarily.

(Authority: 20 U.S.C. 1232g(f))

§ 99.67 How does the Secretary enforce decisions?

(a) If the educational agency or institution does not comply during the period of time set under §99.66(c), the Secretary may, in accordance with part E of the General Education Provisions Act—

(1) Withhold further payments under any applicable program;

(2) Issue a compliant to compel compliance through a cease-and-desist order; or

(3) Terminate eligibility to receive funding under any applicable program.

(b) If, after an investigation under § 99.66, the Secretary finds that an educational agency or institution has complied voluntarily with the Act or this part, the Secretary provides the complainant and the agency or institution written notice of the decision and the basis for the decision.

(Note: 34 CFR Part 78 contains the regulations of the Education Appeal Board.)

[Please note that Part 78 has been removed from the CFR and has been replaced with 34 CFR Part 81.]

(Authority: 20 U.S.C. 1232g(f); 20 U.S.C. 1234)

[These regulations are codified in 34 CFR Part 99 as amended on November 21, 1996 (61 FR 59292).]

Technical Assistance for Implementation of the Behavior Intervention Process

Functional Behavior Assessment
Behavior Intervention Planning in the IEP
Behavior Intervention Plan Addendum

Division of Special Education
Ohio Department of Education
933 High Street
Worthington, Ohio 43085

This document is not intended to respond to all of the discipline issues contained in IDEA 1997. Please refer to Ohio's Model Policies and Procedures for the Education of Children with Disabilities for further information.

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Introduction

This technical assistance guide has been created to respond to the language in both the *Individuals with Disabilities Education Act Amendments of 1997* (IDEA '97) and Ohio's *Model Policies and Procedures for the Education of Children with Disabilities* that focuses on the development of behavior intervention plans. While this guide is intended to be a resource to intervention assistance, intervention-based assessment (IBA), multifactored evaluation (MFE), and individualized education program (IEP) teams as they design interventions to address individual behaviors of concern, it may also be used with students who do not have IEPs.

The IDEA '97 addresses behavior as a component of the IEP in Section 614(d)(3)(B) CONSIDERATION OF SPECIAL FACTORS:

> "(i) In the case of a child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior"

The *Model Policies and Procedures for the Education of Children with Disabilities* requires that each IEP team determine whether there are behavioral considerations that would cause the team to address behavior as a component of the IEP (refer to Section 6: IE/LRE of this manual).

For each child whose behavior impedes his or her learning or that of others, consider, when appropriate, strategies, including positive behavioral interventions, strategies, and supports to address that behavior as part of the IEP process.

- The child's behavior is described in the present levels of performance, and, if behavior is identified as a need, then the need(s) will be clearly documented in the "Needs" column with appropriate baseline data.
- The IEP team develops behavior goals and objectives, based on a review of the present levels of performance.
- The IEP team then documents the strategies, including positive behavioral interventions and supports to address that behavior, which are necessary to implement behavior goals and objectives in the "Services" column.

Note: The completion of the above three steps meets the requirements of the law, in that the IEP addresses behavior.

  - The IEP team may wish to develop a behavior intervention plan in order to expand the "Services" column with specific strategies as part of the IEP meeting.
  - A behavior intervention plan may also be developed after the IEP conference by those persons responsible for implementing the behavior, goals, and objectives as identified on the IEP.

If the behavior intervention plan is not developed at the IEP conference, and is not part of the IEP, then it may be revised without an IEP conference. However, parents should be involved.

In developing a behavior intervention plan, follow the problem-solving process in *Model Policies and Procedures for the Education of Children with Disabilities*.

When should the student's behavior be addressed as a part of the IEP?

Consider the following questions:

1. *Is there documented evidence that the student's behavior interferes with his/her learning and/or the learning of others?*
2. *Was the student's behavior one of the primary reasons he or she was referred for a multifactored evaluation for a suspected disability? Is there evaluation/assessment information to support behavior as a primary reason?*
3. *Were previous behavioral interventions attempted and documented?*
4. *Does the student's specialized instruction include the use of techniques that have the potential for being abused (e.g., time out, passive restraint, withdrawal of reinforcement or privileges)?*
5. *Does the student demonstrate behaviors that are unsafe to him/herself or others?*
6. *Has the student been removed from the general education environment as a result of his/her behavior?*
7. *Has the child knowingly possessed or used illegal drugs or sold or solicited the sale of a controlled substance while at school or a school sponsored activity?*
8. *Has the student carried or been in possession of a weapon while at school or at a school sponsored activity?*

Assumptions About Behavior Plans

When designing behavior intervention plans, there are three basic assumptions that should guide the planning process:

- Behavior intervention plans are teaching tools.
- The design of behavior intervention plans leads to positive outcomes for learners.
- The behavior intervention planning process is a collaborative problem-solving approach involving all stakeholders.

This technical assistance guide will help to answer the following three questions:

- When should the student's behavior be addressed as a part of the IEP?
- What are behavior intervention plans?
- How should a functional behavior assessment be conducted in the behavior intervention planning process?

The behavior planning process described herein will also be beneficial to schools attempting to address Am. Sub. S.B. No. 55 (Section 3313.534):

> "No later than July 1, 1998, the board of education of each city, exempted village, and local school district shall adopt a policy of zero tolerance for violent, disruptive, or inappropriate behavior, including excessive truancy, and establish strategies to address such behaviors that range from prevention to intervention."

What are behavior intervention plans?

- **Behavior intervention plans are teaching tools.**
  There are four areas of focus in a behavior intervention plan: (1) Adjustment of environmental factors; (2) Decrease of interfering behaviors; (3) Acquisition of replacement behaviors; and (4) Strengthen existing skills. All behavior intervention plans should include proactive approaches to changing behavior. The purpose of a behavior intervention plan is to ensure the environment is conducive to learning and to teach the student what "to do instead."

- **The design of behavior intervention plans leads to positive outcomes for students.**
  The behavior intervention plan is developed as a means of coordinating intervention activities. Discipline, when used as a *proactive* approach in the behavior intervention planning process, addresses the cause of the behavior and helps to create a safe, positive learning environment for all. Effective discipline provides appropriate logical consequences for behavior and results in long-term positive behavioral changes. Discipline does not focus on the behavior in isolation or "quick fixes." Rather, it is a learning process that provides the child with an opportunity to learn new skills so that he/she can be an effective student.

- **The behavior intervention planning process is a collaborative problem solving approach involving all stakeholders.**
  A behavior intervention plan serves as a communication tool developed by a team that is made up of "stakeholders." Stakeholders, as used in this context, may mean the student, the parents/family members, general and special educators who work with the student, peers, a key administrator, and support service providers who may provide support services. These individuals know the student best and are essential to behavior planning.

How should the functional behavior assessment be conducted in the behavior intervention planning process?

Functional behavior assessment is a collaborative problem-solving process that is used to describe the "function" or purpose that is served by a student's behavior. Understanding the "function" that an impeding behavior serves for the student assists directly in designing educational programs and developing behavior plans with a high likelihood of success.

The collaborative problem-solving process is the foundation for many team processes in education including the IEP planning process, functional behavior assessment, behavior intervention planning process, and intervention-based assessment. The steps, outlined in the comparison chart and on the following pages, use the IEP Sequence as the overall organizer, demonstrating how the steps of the collaborative problem-solving process can be incorporated to assist teams in the development of a behavior intervention plan

The following sections outline a systematic collaborative problem-solving process to guide behavior intervention planning, either as a component of the IEP or as an intervention plan for a student with or without a disability.

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Comparison Chart

IEP Sequence	**Collaborative Problem-Solving Process**
Step 1: Discuss Vision: Future Planning	
Step 2: Discuss Present Levels of Performance Review the evaluation results (current IEP if this is an annual review meeting), develop a long-term vision for the student, and determine the present levels of educational performance.	I. Define behavior(s) of concern II. Analyze behavior(s) of concern A. Establish baseline (likely/least likely to occur) 1. Where 2. When 3. With whom 4. Why (function/purpose of the behavior) 5. Usual response B. Identify strengths (skill strengths, staff, resources, etc.)
Step 3: Identify Specialized Needs for this IEP Determine the area(s) of the child's needs.	C. Identify needs (skill deficits, staff, resources etc.) D. Prioritize needs–What does the student need to learn and in what order?
Step 4: Identify Measurable Goals, Objectives, and Assessment Procedures Develop goals and short-term instructional objectives with accompanying criteria and evaluation procedures.	III. Set the Goal
Step 5 : Identify Needed Services Determine special education and related services needs to implement each goal and accompanying objective. **Step 6: Determine Least Restrictive Environment (LRE)** Determine the least restrictive environment in which to deliver the special education and related services.	IV. Develop an Action Plan A. Brainstorm possible interventions B. Select interventions C. Design an evaluation strategy
Periodic Review (at least annually).	V. Evaluate the Plan A. Is the plan meeting the needs of the student? B. Modify as needed

IEP Step 1: Discuss Vision: Future Planning

Review the vision.

- What is the long-term vision for the student?
- What are the behavior barriers interfering with reaching/progressing toward the vision?

IEP Step 2: Discuss Present Levels of Performance

Describe each behavior of concern (topography) using language that is specific, observable, and measurable. Describe the strengths of the student.

- What strengths does the student have?
- Where is the behavior most/least likely to occur (environment)?
- How often does the behavior occur (frequency)?

- For how long does a behavioral event last (duration)?
- How long a period of time typically exists between a request and when the student begins to respond (latency)?
- How extreme is the behavior (intensity)?
- For each occurrence, with whom is the behavior most/least likely to occur?
- What is the general response of others to the behavior?
- How does the student react to others' responses?

Using the information above, write a statement clearly describing the behavior of concern.

Problem behavior stems from a variety of causes. Therefore, it is best to examine the behavior from as many perspectives as possible. Consider the following:

- Describe what usually happens in the child's environment, instruction, and relationships just before and just after the behavior of concern occurs (antecedent).
- What other information is relevant to the behavior of concern (medication, medical conditions, sleep, diet, schedule, relationships, proficiency performance interviews, etc.)?
- How does the student typically communicate wants and needs?
- What is the student's behavior history?
- What interventions and modifications have been found successful and unsuccessful with regard to the behavior of concern?
- What are the academic, curricular, self-care, and social skills that make up the student's profile?
- For what purpose(s) (function) does the student use the behavior of concern? What is the student trying to communicate with the behavior of concern? For example, is the purpose of the behavior of concern to gain objects or activities, to gain power or control, to gain or avoid/escape an interaction with an adult, peer, or teacher directed activity? Is the purpose of the behavior stimulation?

IEP Step 3: Identify Specialized Needs for the IEP

Identify what the student needs to learn and in what order. To prioritize the student's needs, consider the following questions:

- Which behaviors are likely to cause harm to the student or others?
- Which behaviors impede the learning of the student or others?
- Which behaviors occur most frequently?
- Which behaviors are most intense?
- Which behavior, when effectively addressed, will have a positive impact on other behaviors of concern?

IEP Step 4: Identify Measurable Goals, Objectives, and Assessment Procedures
Create specific, measurable annual goals and short-term objectives that relate to the behavior of concern. Identify skills to be acquired within the next year.

- What behavior could replace and serve as a more acceptable alternative to the behavior of concern?
- Does the replacement behavior serve the same function to the student as the behavior of concern?
- Will mastery of the goals/objectives enable the student to more fully participate in the general education curriculum?
- Will mastery of the goals/objectives enable the student to more fully participate in the regular educational environment?
- Have positive intervention strategies been demonstrated to be ineffective prior to the proposed use of more restrictive intervention procedures?
- Are the goals/objectives stated in terms of what the student will be able to do?
- Do the goals/objectives help build student confidence and competence, promote independence and self-advocacy, and help develop self-responsibility?
- Were cultural differences taken into account when the goals/objectives were developed?
- Can the goals/objectives in the behavior plan be generalized to other settings?
- Have criteria been established for each goal/objective for measuring success in relationship to baseline data?
- What methods will be used to evaluate whether there is an increased use of the replacement behavior and decreased use of the behavior of concern?
- Has the IEP team considered how frequently they will evaluate progress based on the frequency, intensity, and severity of behavior of concern.

IEP Step 5: Identify Needed Services
Goals and objectives must include prevention and proactive teaching strategies, as well as intervention strategies for when the behavior of concern continues to occur. Both prevention and intervention strategies must maintain the dignity of all parties.

- What environmental changes have been considered?
- What accommodations, intervention techniques, and supports are needed for the student to learn and use the replacement behavior?
- Do the interventions rely on logical consequences instead of punishments?
- If necessary, have several interventions been designed to meet the diverse and unique needs of the student?
- Does research support using the selected interventions with the behavior of concern?
- How will stakeholders (including family members) be trained and supported in implementing the behavior intervention plan?
- Can the plan be held up to ethical standards?

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IEP Step 6: Determine Least Restrictive Environment (LRE)

To the maximum extent appropriate, children with disabilities are educated with children who are not disabled. Separate classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aides and services cannot be achieved satisfactorily.

- Are the replacement behaviors outlined in the intervention plan appropriate for the environments in which the plan will be implemented?
- Have strategies been included in the behavior intervention plan for re-introducing the student to the regular educational environment if the IEP team has determined that the student will be removed?
- Has the IEP team considered interventions that will increase the likelihood that the student will be educated with nondisabled peers?
- Have interventions been tried and documented prior to placement in a more restrictive environment?

Periodic Evaluation

Upon completion, the IEP team needs to implement, review, and evaluate the effectiveness of the behavior intervention plan. Based on the evaluation, the plan may need to be modified or a new plan created.

- Was the plan effective in increasing the use of the replacement behavior and decreasing the behavior of concern?
- Were the interventions appropriately applied and documented?
- Is the behavior intervention plan being implemented as designed?
- Were adjustments made as needed during the implementation phase of the plan?
- Were parents, staff, the student, and outside agencies involved in the review and revision of the behavior intervention plan?
- Has the intervention plan been implemented for a sufficient length of time?
- Has the intervention plan been continued, revised, or eliminated as a result of the periodic review?

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❖Denotes optional procedure/form

Functional Behavior Assessment

Student: ______________________ DOB: ________ School: ______________ Date: ________

☐ **Review Vision**

Data Collection

Behavior of Concern (Description)	What Happens Before	Where (Most/least likely setting)	How Often/How Long (Time between request & response)	With Whom (Most/least likely)	Usual Response to the Behavior (Students/Adults)

Why (function or purpose)? What is the student communicating through the behavior of concern?

***Complete one sheet per behavior of concern.**

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Functional Behavior Assessment
Additional Information

Behavior History Interventions Attempted	Primary Mode of Communication	Other Relevant Information (e.g., medical)

IEP Team Meeting Participants:

______________________________ ______________________________

______________________________ ______________________________

______________________________ ______________________________

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Behavior Intervention Plan

*Develop an Action Plan**

A. Goal Statement:

Intervention/Skills	Who Implements?	How Long?	Data Used to Measure Progress?	Who Collects Data?	Who Monitors During Implementation?	Review Schedule

* (Use one page for each goal)

Appendix F❖
(Page 10 of 12)

BEHAVIOR INTERVENTION PLAN

Review and Modify the Plan as Necessary

Date: ____________ Student: ______________________ IEP Team Members: ______________________________

- **Describe the student's progress toward the goal(s):**

- **What methods did you use to document intervention results?**
  (Attach charts, work samples, graphs, etc.)

- **Recommendations for modifications, if any:** *(If the results are such that a new plan is necessary, it is suggested that the team start at the beginning of the collaborative problem-solving process)*

BEHAVIOR INTERVENTION PLAN
Signature Page

The functional behavior assessment and behavior plan documents can be used for both students who have IEPs or those who do not. If the behavior planning process was completed as part of an intervention design for a student who does not have an IEP, then have participants sign this form.

___/___/___
Date

Name (Print) ____________ Position ____________ Signature ____________

___/___/___
Date

Name (Print) ____________ Position ____________ Signature ____________

___/___/___
Date

Name (Print) ____________ Position ____________ Signature ____________

___/___/___
Date

Name (Print) ____________ Position ____________ Signature ____________

___/___/___
Date

Name (Print) ____________ Position ____________ Signature ____________

❖Denotes optional procedure/form

APPENDIX G

School-Age Multifactored Evaluation Requirements

X = Initial Evaluation ✸ = As Needed

Note: For Autism and Traumatic Brain Injury, no MFE requirements are given.

Evaluation Areas	MD	HI	VI	OH/ OHI	SED (ED)	MR (DH)	SLD	S/L/H
Physical Examination	X	X	X	X	X			
Medical Consultation	✸	✸	✸	✸	✸	✸	✸	✸
General Intelligence	X	X	X	X	X	X	X	
Academic Performance	X	X	X	X	X	X		X
Basic Reading Skills							X	
Reading Comprehension							X	
Math Calculation							X	
Math Reasoning							X	
Vision Ability	X	X		X	X	X	X	
Hearing Ability	X		X	X	X	X	X	X
Motor Ability	X	X	X	X	X	X	X	
Communicative Status	X	X		X	X	X		X
Oral Expression							X	
Listening Comprehension							X	
Written Expression							X	
Adaptive Behavior	X					X		
Social -emotional Status	X	X	X	X			X	
Audiological Status		X						
Eye Condition			X					
Background Information: Educational, Family & Medical History					X			
Informal Behavior Observation by Current Teacher & Other Team Member					X			
Behavior / Personality Measure					X			
Teacher Recommendations						X		
Physical Condition						X		
Social & Cultural Background						X		
Classroom Observation							X	
Page Reference in *Rules for the Education of Handicapped Children*	50	53	56	59	62	66	68	87

APPENDIX H

PRESCHOOL MULTIFACTORED EVALUATION REQUIREMENTS

As a committee, make decisions regarding how each area shall be addressed.

In the appropriate box, write the name of the person who will be responsible and the approximate date of expected accomplishment. Check appropriate box when completed.

All areas must be addressed and each area of suspected disability must be assessed in all four (4) areas.

	Structured Interview	✔	Structured Observation	✔	Norm-Referenced	✔	Criterion-Referenced	✔
a. Background								
b. Adaptive Behavior								
c. Cognitive Ability								
d. Communication								
e. Hearing Abilities								
f. Preacademic								
g. Sensorimotor								
h. Social-Emotional/ Behavioral								
i. Vision Abilities								
j. Medical								
k. Summary								

ASSISTIVE TECHNOLOGY

Using Assistive Technology to Facilitate Learning

Assistive technology devices and services enable students with disabilities to achieve higher expectations, participate in less restrictive environments, and gain independence. Assistive technology devices and services are tools that support the student's ability to perform educational tasks more effectively and with more efficiency. The Individuals with Disabilities Education Act (IDEA) Amendments of 1997 requires that the need for assistive technology be considered for every child receiving special education services. For example, a student with visual impairments uses a closed circuit TV to magnify text. A student with hearing impairments uses an amplification system to receive teacher instruction. A student who is unable to speak points to pictures on a communication board to interact with classmates. A computer can be used to complete written work for a student who is having difficulties with reading and writing. A student with motor difficulties uses adapted sporting equipment to participate in the physical education curriculum.

Consideration of assistive technology requires that at least one person on the individuaized education program (IEP) team has some knowledge about assistive technology or knows how to connect with the necessary resources. The following resources have been provided to assist teams with the integration of assistive technology devices and services into all aspects of the special education process including pre-referral interventions, multifactored evaluations, and individualized education program planning and implementation.

Resources:

- Assistive technology is a "special factor" identified by IDEA (20 USC 1414(d)(3)(B)(v)). Ohio's *Model Policies and Procedures for the Education of Children with Disabilities* provides an outline of procedures for assistive technology consideration in Section 6: IEP/LRE pages 47-50.
- *Consideration for Assistive Technology Flowchart and Worksheet.* The flowchart and worksheet provide a systematic format for teams to document consideration within the special education procedures.
- *Assistive Technology Services Delivery Flowchart.* This flowchart provides references to steps within the special education process where assistive technology may be considered.
- Special education regional resource centers (SERRCs) and ORCLISH may be able to provide resources to assist school districts.

CONSIDERATION FOR ASSISTIVE TECHNOLOGY FLOWCHART

Use the Assistive Technology Consideration Worksheet to document procedures.

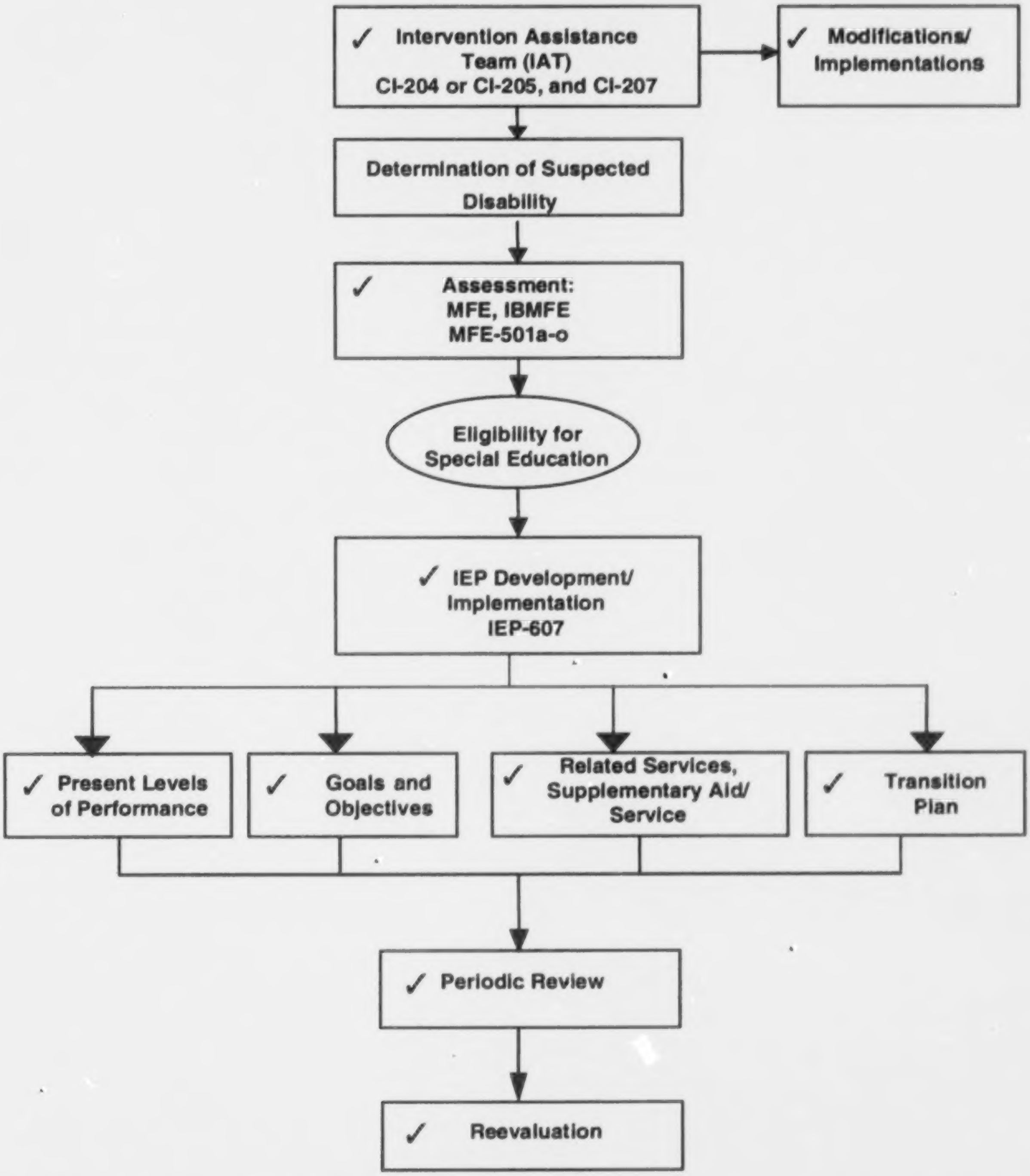
Assistive Technology Consideration Steps	References and Procedures
A. What do we expect the student to be able to do in the educational program and where do we expect this to occur (i.e. classroom, home, cafeteria)? Is the student performing at a level that reflects his/her skills and abilities?	The educational expectations and concerns for the student are documented in various stages of identification, evaluation, and implementation. These include: • **Request for Assistance** (Form CI-204 or CI-205) • **Team Summary and Interpretation of the MFE** (Form MFE-501m) • Within the **IEP**: (Form IEP-607) → Discuss Vision: Future Planning → Identify Student's Needs → Develop Goals and Objectives
B. What special strategies or accommodations have been tried to meet the special education need? Include current assistive technology and services.	Document the strategies that have been tried and the results. • Include strategies and accommodations on the **Request for Assistance** (Form CI-204 or CI-205) or the **Documentation of Interventions** (Form CI-207❖).
C. Is it working? If Yes, proceed to Step G. If No, proceed to Step D.	Progress monitoring and periodic review activities should also reflect the effectiveness of current modifications. • Record progress on the **Progress Report** (Form IEP-609❖).
D. What are the reasons that the present accommodations are not meeting the student's needs? Are there areas of concern that should be further examined which will enable this student to achieve increased participation, achievement, or independence?	Discuss the areas of concern that should be further addressed. Determine the need for additional assessment. • Document the needs on the **Request for Assistance** (Form CI-204 or CI-205); or • During the IEP discussion of the student's **Present Levels of Performance (Form IEP-607)**, if the team determines that additional information is needed, the team must stop and reconsider the information that must be obtained.
E. At this time, does the collaborative team have the necessary resources to define the student's needs and plan intervention strategies with consideration for assistive technology? If Yes, proceed to Step G. If No, proceed to Step F.	The **Planning Forms for Initial MFE and Reevaluation** will guide the team in determining the assessment to be addressed (Form MFE-501c or MFE-501d, and MFE-501e or MFE-501f). • If an additional assessment is needed to obtain assistive technology information, use the **Written Notice to Parents** (Form PS-401) to notify parents. • An assistive technology assessment should be a part of the MFE process with results provided on the **Evaluation Form** (Form MFE-501g). • Summarize results on the **Team Summary and Interpretation of MFE** (Form MFE-501m).
F. Seek additional assessment information.	
G. Define and document necessary modifications and/or assisitve technologies in the IEP.	Identify assistive technology devices and services as part of the student's special education in the IEP. This may be included in present levels of performance, goals/objectives, as a related service, and/or supplementary aids. • Record information on the student's **IEP** (Form IEP-607). • Check that assistive technology has been incorporated as a special factor on the **IEP** (Form IEP-607).

❖Denotes optional procedure/form

Adapted from Reed, Penny. "Educational TECH Points: A Tool for School Districts."Assessing Students' Needs for Assistive Technology, Wisconsin Assistive Technology Initiative, 1998 Revision.

Assistive Technology Services Delivery Flowchart

✓=Tech points when assistive technology should be considered.


✓ Intervention Assistance Team (IAT) CI-204 or CI-205, and CI-207
✓ Modifications/ Implementations
Determination of Suspected Disability
✓ Assessment: MFE, IBMFE MFE-501a-o
Eligibility for Special Education
✓ IEP Development/ Implementation IEP-607
✓ Present Levels of Performance
✓ Goals and Objectives
✓ Related Services, Supplementary Aid/ Service
✓ Transition Plan
✓ Periodic Review
✓ Reevaluation

Adapted from Reed, Penny. "Educational TECH Points: A Tool for School Districts." Assessing Students' Needs for Assistive Technology, Wisconsin Assistive Technology Initiative, 1998 Revision.

CONSIDERATION FOR ASSISTIVE TECHNOLOGY WORKSHEET

Student ______________________________ Date ______________

A. What is it that we expect the student to be able to do in the educational program and where do we expect this to occur (i.e. classroom, home, cafeteria)? Is the student performing at a level that reflects his/her skills and abilities?

B. What special strategies or accommodations have already been tried to meet this special education need? Include current assistive technologies and services.

C. Are these current strategies and accommodations working? If Yes, proceed to G and document in the IEP. If No, continue D through G.

D. What are the areas of concern that should be further examined to achieve increased participation, achievement, or independence? Be specific.

E. Does the current team have the necessary resources to evaluate and define assistive technology device/service options for this student? If Yes, proceed to G.

F. List any new or additional technologies/services that will be tried or implemented for this student in order to meet the specific need as a result of the present consideration/assessment.

G. Recommended assistive technologies/services must be defined and documented in the IEP. These may be included as part of the student's goals/objectives, as a related service, or supplementary aids and services.

A. EXPECTED TASKS AND ENVIRONMENT	B. CURRENT STRATEGIES/ ACCOMODATIONS	C. IS THIS WORKING?	D. CONCERNS FOR FURTHER CONSIDERATION	E. ADDITIONAL ASSESSMENT	F. DEFINE NEW/ ADDITIONAL TECHNOLOGIES	G. DOCUMENTATION IN IEP

Appendix I
(Page 4 of 4)

Adapted from Reed, Penny. "Educational TECH Points: A Tool for School Districts." Assessing Students's Needs for Assistive Technolgy, Wisconsin Assistive Technology Initiative, 1998 Revision.

APPENDIX J

STATE RULE: State Superintendent of Public Instruction Memorandum of April 14, 1989.

Koch v. Walter

On March 28, 1989, the U.S. District Court approved the release and settlement agreement entered into between plaintiffs and state defendants in Koch. This case relates to extended school year services for children with disabilities. Below you will find specific guidelines.

Introduction

It is expected that children with disabilities* will receive a free appropriate public education by being provided special education and/or related services during the approximately 180 days of instruction which a school district provides for all students. For some children with disabilities, 180 days of instruction is not sufficient for them to receive a free appropriate public education; these children are eligible for extended school year services in accordance with the guidelines set forth below.

For purposes of this memorandum, extended school year services means special education and/or related services which are provided outside of the normal 180 day school year. All terms, definitions, and procedures included in this memorandum are subject to the Ohio Rules for the Education of Handicapped Children, O.A.C. Chapter 3301-51.

Guidelines for School Districts

In addressing the issue of extended school year services, school districts shall consider the following guidelines:

1. The provision of extended school year services to a particular child with disabilities shall be determined on an individual basis, based upon the judgment and decision-making process of the participants in the individualized education program (IEP) conference.
2. In determining whether a particular child with disabilities should receive extended school year services, the IEP conference participants shall consider whether the child is failing, or is likely to fail, to achieve short-term instructional objectives on the IEP due to interruption of instruction between school years.
3. A decision at an IEP conference that extended school year services should be provided to a particular child with disabilities may be made prospectively, based on the judgment of the IEP conference participants.
4. The provision of extended school year services to a particular child with disabilities is not automatic year after year.
5. If extended school year services are identified by the IEP conference participants as needed, such services must be placed on the IEP, and must be provided at no cost to the child or the child's parents.
6. School districts shall provide written notice to parents of children with disabilities that extended school year services may be considered at the IEP conference.
7. The Ohio Department of Education will review a school district's compliance with the memorandum as part of the Department's Program Review and Evaluation Procedures (P.R.E.P.) [School Improvement Review (SIR)].

---

* Original memorandum stated "handicapped child"

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215-4183

TED SANDERS
SUPERINTENDENT OF
PUBLIC INSTRUCTION

JANE WIECHEL
DIRECTOR
Division of Early Childhood Education
Room 309
65 South Front Street
(614) 466-0224

To: City, Exempted Village, Local, County, MR/DD, JVS, and Chartered Nonpublic School District Superintendents

From: Jane Wiechel, Director
Division of Early Childhood Education
Jerry Klenke, Director
Teacher Education and Certification

Subject: Early Education of the Handicapped Teacher

Date: April 21, 1995

This memorandum addresses requirements for Prekindergarten Teacher Certification/Training that became effective 7/1/93. The Ohio Department of Education is delaying the requirements until 7/1/97 (through the next biennium) for employing agencies that meet qualifying requirements. Detailed information relating to these certification requirements and the required written plan is provided in the remainder of this memorandum.

Subsequent memoranda will provide updates on activities related to the revision of Teacher Education and Certification Standards, including those relating to preschool teachers, and their implication for further teacher requirements. Further information may be obtained by contacting the Division of Teacher Education and Certification, or the Division of Early Childhood Education central office or regional consultant serving your county.

Early Education of the Handicapped Teacher Certification

Ohio Rules for the Education of Preschool Children with Disabilities also contain requirements for the certification of preschool special education teachers. Rule 3301-31-04 states that, no later than July 1, 1993, a preschool special education teacher shall hold a valid Ohio special education or prekindergarten teacher's certificate, with validation in Early Education of Handicapped Children (EEH).

The Ohio Department of Education is delaying implementation of this requirements until July 1, 1997. Schools or school districts may continue to apply for temporary certificates in EEH for the 1995-96, 1996-97 school years that meet the qualifying requirements.

Qualifying Requirements

In order to qualify for the above stated special conditions regarding the delay of 7/1/93 requirements relating to the delay of 7/1/93 requirements relating to validation in Early Education of Handicapped Children, each employing agency must develop a written plan that addresses the following:

1) A list of currently employed teachers and their credentials and certification/training;

2) A list of the teachers working toward the required certification/training and the anticipated timeline for course attendance and completion;

3) Documentation that verifies enrollment in an approved program.

4) The financial implications, if any, associated with higher levels of certificated staff and plans for meeting corresponding salary requirements.

The written plan must be on file and made available to the Division of Early Childhood Education field representatives conducting onsite inspections required for continued program licensure.

STATE OF OHIO
DEPARTMENT OF EDUCATION
COLUMBUS
43215-4183

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SUPERINTENDENT OF
PUBLIC INSTRUCTION

JANE WIECHEL
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TO: City, Exempted Village, Local, County, MR/DD, JVS, and Chartered Nonpublic School District Superintendents

FROM: Jane Wiechel, Director
Division of Early Childhood Education
Jerry Klenke, Director
Teacher Education and Certification

SUBJECT: Prekindergarten Teacher Certification/Training

DATE: April 21, 1995

This memorandum addresses requirements for Prekindergarten Teacher Certification/Training that became effective 7/1/93. The Ohio Department of Education is delaying the requirements until 7/1/97 (through the next biennium) for employing agencies that meet qualifying requirements. Detailed information relating to these certification requirements and the required written plan is provided in the remainder of this memorandum.

Subsequent memoranda will provide updates on activities related to the revision of Teacher Education and Certification Standards, including those relating to preschool teachers, and their implication for further teacher requirements. Further information may be obtained by contacting the Division of Teacher Education and Certification, or the Division of Early Childhood Education central office or regional consultant serving your county.

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Prekindergarten Teacher Certification

The Ohio Department of Education is delaying implementation of these requirements relating to the certification and training of prekindergarten teachers and "qualified preschool staff members" until July 1, 1997.

Ohio Rules for Preschool Programs contain requirements for the certification of prekindergarten teachers. Rule 3301-37-03 (E) states that each class/group in a preschool program on or after 7/1/93 shall have assigned a head teacher or teacher and that head teacher or teacher shall have one of the following:

(1) Valid Prekindergarten Associate Certificate issued under Section 3301.51 of the Revised Code; or

(2) Valid Prekindergarten Teaching Certificate issued under Section 3301.50 of the Revised Code; or

(3) Valid Kindergarten-Primary Certificate issued under Sections 3319.22 to 3319.29 of the Revised Code and have completed at least four courses in child development or early childhood education from an accredited college, university, or technical college; or

(4) A Bachelor's Degree in child development or early childhood education earned from an accredited college or university with a minimum of thirty quarter or twenty semester hours in child development/preschool program planning and methods including a supervised practicum with preschool children; or

(5) If the person is employed as a head teacher or teacher in a preschool program operated by an eligible nontax-supported nonpublic school, he shall be considered to meet the requirements of this rule if he holds a valid teaching certificate issued in accordance with Section 3301.071 of the Revised Code.

In addition, Ohio Rules for the Education of Preschool Children with Disabilities (Rule 3301-31-03) (C) (1)) state that itinerant preschool special education services may be delivered to a preschool child with a disability attending a preschool program administered by a public school or a community based preschool or child-care program where a "qualified preschool staff member" is assigned to the child. Rule 3301-31-01 (J) defines a "qualified preschool staff member" as a staff member that meets one of the above stated criteria of Rule 3301-37-03 (E). These requirements relating to the certification and training of "qualified preschool staff members" also became effective 7/1/93.

Qualifying Requirements

In order to qualify for the above stated special conditions regarding 1) the delay of 7/1/93 requirements relating to the certification/training of prekindergarten teachers (rule 3301-37-03 (E)); and 2) the delay of 7/1/93 requirements relating to "qualified preschool staff members" (Rules 3301-31-03 (C) (1) and 3301-31-01 (J). Each employing agency must develop a written plan that addresses the following:

1) A list of currently employed teachers and their credentials and certification/training;

2) A list of the teachers working toward the required certification/training and the anticipated timeline for course attendance and completion;

3) Documentation that verifies enrollment in an approved two or four year program; and

4) The financial implications, if any, associated with higher levels of certificated staff and plans for meeting corresponding salary requirements.

The written plan must be on file and made available to the Division of Early Childhood Education field representatives conducting onsite inspections required for continued program licensure.

Individual Career Plan Folder

This folder is yours. It will be kept for you in the school file. When you graduate or transfer to another school, you will take it with you. What you record in this folder will help you complete your educational and career plans. It will also help you complete job applications and resumes. You **do not have to fill in any information** that you choose to exclude. However, the information recorded in this folder will help you monitor your educational progress and your educational and career planning activities.

Personal Information

Name ______________________________

Address ______________________________

____

Social Security Number ______________________________

Birth Date ______________________________

Educational History

Name of School	City and State
Elementary School(s)	
Middle School(s)	
High School(s) and/or Vocational School(s)	
Technical School and/or College and/or University	

CONTENTS

Required

- Career Planner
- Educational Planner
- Career Skills Checklist
- Cumulative Record of Assessments
  - —Results of Career Interest Surveys and Assessments
  - —Results of "Ohio Ninth-Grade Proficiency Tests" and "Ohio Twelfth-Grade Proficiency Tests"

Recommended

- Photocopy of Annual Progress Reports
- Record of Awards Earned
- Vocational Competency Test Results (if applicable)
- Vocational Evaluation Results (if applicable)
- College and/or Postsecondary Admission Test Results (if applicable)
- Completed Job Application
- Student's Resume
- Letters of Recommendation
- Other Items Deemed Appropriate

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Appendix L
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INDIVIDUAL ICP CAREER PLAN

Career Skills Checklist

Name ______________________
Date ______________________

This checklist can be used to help insure that you have the skills to develop educational plans and career goals. When you demonstrate specific skills, both you and an adult (your counselor, teacher, or parent) will initial them. Keep this form in your Individual Career Plan Folder so you can assess your skills each year.

Adult *(please initial)*		**Student** *(please initial)* 9th	10th	11th	12th
	I have reviewed (and changed, if needed) my Educational Planner (required annually)				
	I can identify attitudes and skills that employers look for in job applicants				
	I know how to use career information resources in the resource center				
	I know my work traits and interests				
	I know my academic strengths				
	I can describe the educational programs available to me				
	I can describe the entrance requirements for these programs (including vocational, technical, and college)				
	I know the high school graduation requirements				
	I can identify local job opportunities				
	I can identify job-seeking and application skills				
	I can use at least four sources to find educational and career information				
	I can describe my academic strengths				
	I know how to plan for long-range goals				
	I am in a course of study that leads to my career goals				
	I can demonstrate positive job interviewing skills				
	I have discussed my current educational plans and career goals with parents and a counselor and/or teacher				
	I have had one or more work, leisure, and/or educational experience(s) outside of school that relates to my career goals				
	I have discussed my post-high school plan with my parents and a counselor and/or teacher				
	I have taken action on my post high school plan				

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INDIVIDUAL ICP CAREER PLAN

Cumulative Record of Assessments

Name ______________________

Date ______________________

Proficiency Tests	Career Interests	Career Aptitudes	Other
9th Grade Reading ______ *(indicate date passed)* Writing ______ *(indicate date passed)* Math ______ *(indicate date passed)* Citizenship ______ *(indicate date passed)* Science ______ *(indicate date passed)*	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______
12th Grade Reading ______ *(indicate date passed)* Writing ______ *(indicate date passed)* Math ______ *(indicate date passed)* Citizenship ______ *(indicate date passed)* Science ______ *(indicate date passed)*	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______
Comments:	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______
Notes:	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______	Grade Level ______ Instrument ______ Results ______

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Educational Planner

Circle one: Grade 8 9 10 11 12

Name ______________________________

Date ______________________________

This form will help you decide on the most appropriate educational plan to help you reach your career goals. You will have the opportunity to review your educational plan annually and make any needed changes. A new Educational Planner sheet will be provided to you at that time to make revisions.

Extracurricular experiences and activities to support my career goals:

____

____

____

____

My education plans after high school: ______________________________

____

____

Approval of Plan

I have seen and agree to this Educational Plan.

____
Student Signature — Date

____
Parent or Guardian Signature — Date

____
Counselor or Teacher Signature — Date

Graduation Requirements			9th Grade	Semester			10th Grade	Semester			11th Grade	Semester			12th Grade	Semester		
Student Choice Subject	Units	Units	Subject	1st	2nd	Cr	Subject	1st	2nd	Cr	Subject	1st	2nd	Cr	Subject	1st	2nd	Cr
English																		
Math																		
Science																		
Social Studies																		
Health																		
Phys. Ed																		
Total																		

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Career Planner

Circle one: Grade 8 9 10 11 12

Name ____________________

Date ____________________

Planning will help you enter and succeed in a career. Begin your career planning by completing the statements below. Since your career plans may change over time, you will have a chance to complete this form again each year. This document is only a tool to identify career and educational goals. It will not guarantee you employment in a specific job. After completing this form, go on to the Educational Planner.

After High School I plan to

- ☐ 1. Work full-time
- ☐ 2. Work part-time and attend school
- ☐ 3. Attend college full-time
- ☐ 4. Attend technical school
- ☐ 5. Enter the military as a career

My career goals are to

My interests, skills and knowledge supporting my career goals are

To fulfill my career goals, I will need additional skills and knowledge in

I will obtain the additional skills and knowledge by taking part in the following educational activities:

I will need a degree, certification and/or specialized training in

The information I have given on this form indicates that I will be selecting courses that are primarily

- ☐ **College path**
- ☐ **Vocational path**
- ☐ **Combination**

• Continue on to the Educational Planner •

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Career and Job Experiences

(Optional Activities)

JOB SHADOWING AND/OR MENTORING EXPERIENCES (Record the name and job title of the person shadowed, your reactions to and the dates of the experience.)

CAREER FAIR EXPERIENCES (Record the job titles of the people you talked to, your reactions, and the date of the fair.)

(continued on next page)

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Optional Activities *(continued from previous page)*

WORK EXPERIENCE (Record the name of the company and/or employer, your job responsibilities, your feelings about the job, and the dates of employment.)

COMMUNITY SERVICE (Record the name of the organization, your responsibilities, your reactions, and the dates of your service.)

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APPENDIX M

DEFINITIONS

THE FOLLOWING TERMS ARE DEFINED AS THEY ARE USED IN THESE PROCEDURES:

A. **"ACT" (§300.4)** means the Individuals with Disabilities Education Act (IDEA), as amended.

B. **"ASSISTIVE TECHNOLOGY DEVICE" (§300.5)** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability.

C. **"ASSISTIVE TECHNOLOGY SERVICE" (§300.6)** means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. The term includes—

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to employ, or are otherwise substantially involved in the major life functions of that child.

D. **"AUTISM" (§300.7(c)(1))**

(i) *Autism* means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance.

(ii) A child who manifests the characteristics of "autism" after age 3 could be diagnosed as having "autism" if the criteria in paragraph (c)(1)(i) of this section are satisfied.

E. **"BRAILLE"** unless otherwise specified, means a tactile system of reading and writing for individuals with visual impairments, commonly known as standard English Braille.

F. "CHILD WITH A DISABILITY" (§300.7(a))

(1) *Child with a disability* means a child evaluated in accordance with §§300.530-300.536 as having mental retardation, a hearing impairment including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, an other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services.

(2) (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under Secs. 300.530-300.536, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(ii) If, consistent with Sec. 300.26(a)(2), the related service required by the child is considered special education rather than a related service under State standards, the child would be determined to be a child with a disability under paragraph (a)(1) of this section.

G. "CONSENT" (§300.8) means that–

(i) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(ii) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

(iii) (A) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.

(B) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).

H. "CONTINUUM OF ALTERNATIVE PLACEMENTS"

(a) Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(b) The continuum required in paragraph (a) of this section must—

(1) Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

(2) Make provision for supplementary services (such as a resource room or itinerant instruction) to be provided in conjunction with regular class placement.

I. "DAY; BUSINESS DAY; SCHOOL DAY" (§300.9)

(a) *Day* means calendar day unless otherwise indicated as business day or school day;

(b) *Business day* means Monday through Friday, except for Federal and State Holidays (unless holidays are specifically included in the designation of business day, as in §300.403(d)(1)(ii); and

(c) (1) *School day* means any day, including a partial day, that children are in attendance at school for instructional purposes.

(2) The term *school day* has the same meaning for all children in school, including children with and without disabilities.

J. **"DEAF-BLINDNESS" (§300.7(c)(2))** means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

K. **"DEAFNESS" (§300.7(c)(3))** means a hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects a child's educational performance.

L. **"EDUCATIONAL SERVICE AGENCY" (§300.10)**

(a) *Educational service agency* means a regional public multiservice agency—

(1) Authorized by State law to develop, manage, and provide services or programs to LEAs; and

(2) Recognized as an administrative agency for purposes of the provision of special education and related services provided within public elementary and secondary schools of the State;

(b) Includes any other public institution or agency having administrative control and direction over a public elementary or secondary school; and

(c) Includes entities that meet the definition of intermediate educational unit in section 602(23) of IDEA as in effect prior to June 4, 1997.

M. **"EMOTIONAL DISTURBANCE" (§300.7)(c)(4))**

(i) *Emotional disturbance* means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

(A) An inability to learn that cannot be explained by intellectual, sensory, or health factors.

(B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers.

(C) Inappropriate types of behavior or feelings under normal circumstances.

(D) A general pervasive mood of unhappiness or depression.

(E) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disturbance.

N. **"EQUIPMENT" (§300.11)**

(a) *Equipment* means machinery, utilities, and built-in equipment and any necessary enclosures or structures to house the machinery, utilities, or equipment; and

(b) All other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture; printed, published and audio-visual instructional materials; telecommunications, sensory, and other technological aids and devices; and books, periodicals, documents, and other related materials.

O. **"EVALUATION" (§300.12)** means procedures used in accordance with §§300.530-300.536 to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs.

P. **"EXTENDED SCHOOL YEAR SERVICES" (§300.309(b))** means special education and related services that—

(1) Are provided to a child with a disability—

- (i) Beyond the normal school year of the public agency;
- (ii) In accordance with the child's IEP; and
- (iii) At no cost to the parents of the child; and

(2) Meets the standards of the SEA.

Q. **"FREE APPROPRIATE PUBLIC EDUCATION" (FAPE) (§300.13)** means special education and related services that—

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the SEA, including the requirements of this part;

(c) Include preschool, elementary school, or secondary school education in the State; and

(d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.340-300.350.

R. **"HEARING IMPAIRMENT" (§300.7(c)(5))** means an impairment in hearing, whether permanent or fluctuating, that adversely affects a child's educational performance, but that is not included under the definition of deafness in this section.

S. **"INCLUDE" (§300.14)** means that the items named are not all of the possible items that are covered, whether like or unlike the ones names.

T. **"INDIVIDUALIZED EDUCATION PROGRAM" (IEP) (§300.15)** means a written statement for a child with a disability that is developed, reviewed, and revised in a meeting in accordance with §§300.341-300.350.

U. **"INDIVIDUALIZED EDUCATION PROGRAM TEAM" (IEP TEAM) (§300.16)** means a group of individuals described in §300.344 that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

V. **"INDIVIDUALIZED FAMILY SERVICE PLAN" (IFSP) (§300.17)** means a written plan for providing early intervention services to a child eligible under 34 CFR Part 303 and the child's family.

W. **"INTERVENTION-BASED MULTIFACTORED EVALUATION" (IBMFE)** means a process that includes

1. Defining an educational concern in measurable terms;
2. Developing and implementing an intervention plan to address targeted goals and objectives;
3. Measuring and collecting data about the child's performance on a regular and ongoing basis on relevant tasks and in the natural learning environments for the child;
4. Evaluating the results and need for further interventions; and
5. Analyzing the intervention results and any other information necessary to determine the child's eligibility to receive special education and related services.

X. **"LEAST RESTRICTIVE ENVIRONMENT" (LRE)** means that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled; and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Y. **"LOCAL EDUCATIONAL AGENCY" (§300.18)**

(a) *Local educational agency* means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools.

(b) The term includes—

(1) An educational service agency, as defined in §300.10;

(2) Any other public institution or agency having administrative control and direction of a public elementary or secondary school, including a public charter school that is established as an LEA under State law; and

(3) An elementary or secondary school funded by the Bureau of Indian Affairs, and not subject to the jurisdiction of any SEA other than the Bureau of Indian Affairs, but only to the extent that the inclusion makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the LEA receiving assistance under this Act with the smallest student population.

Z. **"MENTAL RETARDATION" (§300.7(c)(6))** means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period, that adversely affects a child's educational performance.

AA. **"MULTIFACTORED EVALUATION" (MFE)** means an evaluation, conducted by a multidisciplinary team, of more than one area of a child's functioning so that no single procedure shall be the sole criterion for determining an appropriate educational program placement. This process shall be designed to assure that children are not misclassified or unnecessarily labeled as being disabled because of inappropriate selection, administration, or interpretation of evaluation materials and shall be implemented in accordance with federal and state laws and regulations.

BB. **"MULTIPLE DISABILITIES" (§300.7(c)(7))** means concomitant impairments (such as mental retardation-blindness, mental retardation-orthopedic impairment, etc.), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

CC. **"NATIVE LANGUAGE" (§300.19)**

(a) If used with reference to an individual of limited English proficiency, means the following:

(1) The language normally used by that individual or in the case of a child, the language normally used by the parents of the child, except as provided in paragraph (a)(2) of this section.
(2) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment.

(b) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication is that normally used by the individual (such as sign language, Braille, or oral communication).

DD. **"ORTHOPEDIC IMPAIRMENT" (§300.7(c)(8))** means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

EE. **"OTHER HEALTH IMPAIRMENT" (§300.7(c)(9))** means having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that—

(i) Is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia; and

(ii) Adversely affects a child's educational performance.

FF. **"PARENT" (§300.20)**

(a) The term *parent* means—

(1) A natural or adoptive parent of a child;
(2) A guardian but not the State if the child is a ward of the State;
(3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or
(4) A surrogate parent who has been appointed in accordance with §300.515.

(b) *Foster Parent.* Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part B of the Act if—

(1) The natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and

(2) The foster parent—

(i) Has an ongoing, long-term parental relationship with the child;
(ii) Is willing to make the educational decisions required of parents under the Act; and
(iii) Has no interest that would conflict with the interests of the child.

GG. **"PARENT MENTOR"** means a parent of a child with a disability employed to assist school districts and families by providing training, support, and information services.

HH. **"PERIODIC REVIEW"** means those activities involved in reviewing each child's IEP and, if appropriate, revising its provisions. A meeting must be held for this purpose at least once a year.

II. **"PERSONALLY IDENTIFIABLE" (§300.500(b)(3))** means that information includes—

(i) The name of the child, the child's parent, or other family member;
(ii) The address of the child;
(iii) A personal identifier, such as the child's social security number or student number; or
(iv) A list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

JJ. **"PUBLIC AGENCY" (§300.22)** includes the SEA, LEAs, ESAs, public charter schools that are not otherwise included as LEAs or ESAs and are not a school of an LEA or ESA, and any other political subdivisions of the State that are responsible for providing education to children with disabilities.

KK. **"QUALIFIED PERSONNEL" (§300.23)** means personnel who have met SEA-approved or SEA-recognized certification, licensing, registration, or other comparable requirements that apply to the area in which the individuals are providing special education or related services.

LL. "RELATED SERVICES" (§300.24)

(a) *Related services* means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training. (**Note:** This list is not exhaustive.)

(b) *Individual terms defined.* The terms used in this definition are defined as follows:

(1) **"AUDIOLOGY"** includes—

- (i) Identification of children with hearing loss;
- (ii) Determination of the range, nature, and degree of hearing loss, including referral for medical or other professional attention for the habilitation of hearing;
- (iii) Provision of habilitative activities, such as language habilitation, auditory training, speech reading (lip-reading), hearing evaluation, and speech conservation;
- (iv) Creation and administration of programs for prevention of hearing loss;
- (v) Counseling and guidance of children, parents, and teachers regarding hearing loss; and
- (vi) Determination of children's needs for group and individual amplification, selecting and fitting an appropriate aid, and evaluating the effectiveness of amplification.

(2) **"COUNSELING SERVICES"** means services provided by social workers, school psychologists, guidance counselors, or other qualified personnel.

(3) **"EARLY IDENTIFICATION AND ASSESSMENT OF DISABILITIES IN CHILDREN"** means the implementation of a formal plan for identifying a disability as early as possible in a child's life.

(4) **"MEDICAL SERVICES"** means services provided by a licensed physician to determine a child's medically related disability that results in the child's need for special education and related services.

(5) **"OCCUPATIONAL THERAPY"**

(i) *Occupational therapy* means services provided by a qualified occupational therapist; and

(ii) Includes—

- (A) Improving, developing or restoring functions impaired or lost through illness, injury, or deprivation;
- (B) Improving ability to perform tasks for independent functioning if functions are impaired or lost; and
- (C) Preventing, through early intervention, initial or further impairment or loss of function.

(6) **"ORIENTATION AND MOBILITY SERVICES"**

(i) *Orientation and mobility services* means services provided to blind or visually impaired students by qualified personnel to enable those students to attain systematic orientation to and safe movement within their environments in school, home, and community; and

(ii) Includes teaching students the following, as appropriate:

- (A) Spatial and environmental concepts and use of information received by the senses (such as sound, temperature and vibrations) to establish, maintain, or regain orientation and line of travel (e.g., using sound at a traffic light to cross the street);
- (B) To use the long cane to supplement visual travel skills or as a tool for safely negotiating the environment for students with no available travel vision;
- (C) To understand and use remaining vision and distance low vision aids; and
- (D) Other concepts, techniques, and tools.

(7) **"PARENT COUNSELING AND TRAINING"** means

(i) Assisting parents in understanding the special needs of their child;
(ii) Providing parents with information about child development; and
(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(8) **"PHYSICAL THERAPY"** means services provided by a qualified physical therapist.

(9) **"PSYCHOLOGICAL SERVICES"** includes—

(i) Administering psychological and educational tests, and other assessment procedures;
(ii) Interpreting assessment results;
(iii) Obtaining, integrating, and interpreting information about child behavior and conditions relating to learning;
(iv) Consulting with other staff members in planning school programs to meet the special needs of children as indicated by psychological tests,
(v) Planning and managing a program of psychological services, including psychological counseling for children and parents; and
(vi) Assisting in developing positive behavioral intervention strategies.

(10) **"RECREATION"** includes—

(i) Assessment of leisure function;
(ii) Therapeutic recreation services;
(iii) Recreation programs in schools and community agencies; and
(iv) Leisure education.

(11) **"REHABILITATION COUNSELING SERVICES"** means services provided by qualified personnel in individual or group sessions that focus specifically on career development, employment preparation, achieving independence, and integration in the workplace and community of a student with a disability. The term also includes vocational rehabilitation services provided to a student with disabilities by vocational rehabilitation programs funded under the Rehabilitation Act of 1973, as amended.

(12) **"SCHOOL HEALTH SERVICES"** means services provided by a qualified school nurse or other qualified person.

(13) **"SOCIAL WORK SERVICES IN SCHOOLS"** includes—

(i) Preparing a social or developmental history on a child with a disability;
(ii) Group and individual counseling with the child and family;
(iii) Working in partnership with parents and others on those problems in a child's living situation (home, school, and community) that affect the child's adjustment in school;
(iv) Mobilizing school and community resources to enable the child to learn as effectively as possible in his or her educational program; and
(v) Assisting in developing positive behavioral intervention strategies.

(14) **"SPEECH-LANGUAGE PATHOLOGY SERVICES"** includes—

(i) Identification of children with speech or language impairments;
(ii) Diagnosis and appraisal of specific speech or language impairments;
(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;
(iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and
(v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

(15) **"TRANSPORTATION"** includes—

(i) Travel to and from school and between schools;
(ii) Travel in and around school buildings; and
(iii) Specialized equipment (such as special or adapted buses, lifts, and ramps), if required to provide special transportation for a child with a disability.

MM. **"SCHOOL HEALTH SERVICES"** means services provided by a qualified school nurse or other qualified persons.

NN. **"SCHOOL PSYCHOLOGICAL SERVICES"** include but are not limited to consulting with others to plan and develop school programs and interventions to meet specific needs of children or groups of children; conducting and monitoring interventions; conducting interviews; performing observations; administering psychological tests and other assessment procedures; interpreting assessment results; obtaining, integrating, and interpreting information about child behavior related to learning; participating in the provision of a program of mental health services, including counseling for children and/or parents. The school psychological intern program shall be organized under guidelines approved by the Ohio Department of Education, Division of Special Education. Employing school districts that will provide training experiences shall be approved by the Ohio Department of Education, Division of Special Education.

OO. **"SERIOUS EMOTIONAL DISTURBANCE" [see definition for Emotional Disturbance]**

PP. **"SPECIAL EDUCATION" (§300.26)**

(a) General.

(1) *Special education* means specially designed instruction, at no cost to the parents, to meet the unique needs of a child with a disability, including—

(i) Instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and
(ii) Instruction in physical education.

(2) The term includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;
(ii) Travel training; and
(iii) Vocational education.

(b) *Individual terms defined.* The terms in this definition are defined as follows:

(1) **"AT NO COST"** means that all specially-designed instruction is provided without charge, but does not preclude incidental fees that are normally charged to nondisabled students or their parents as a part of the regular education program.

(2) **"PHYSICAL EDUCATION"**

(i) *Physical education* means the development of—

(a) Physical and motor fitness;
(b) Fundamental motor skills and patterns; and
(c) Skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports); and

(ii) Includes special physical education, adapted physical education, movement education, and motor development.

(3) **"SPECIALLY-DESIGNED INSTRUCTION"** means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology, or delivery of instruction—

(i) To address the unique needs of the child that result from the child's disability; and
(ii) To ensure access of the child to the general curriculum, so that he or she can meet the educational standards within the jurisdiction of the public agency that apply to all children.

(4) **"TRAVEL TRAINING"** means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

(i) Develop an awareness of the environment in which they live; and
(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

(5) **"VOCATIONAL EDUCATION"** means the organized educational programs that are directly related to the preparation of individuals for paid or unpaid employment or for additional preparation for a career requiring other than a baccalaureate or advanced degree.

QQ. **"SPECIFIC LEARNING DISABILITY" (§300.7(c)(10))**

(i) *General. Specific learning disability* means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.
(ii) *Disorders not included.* The term does not include learning problems that are primarily the result of visual, hearing, or motor disabilities, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

RR. **"SPEECH OR LANGUAGE IMPAIRMENT" (§300.7(c)(11))** means a communication disorder such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

SS. **"SUPPLEMENTARY AIDS AND SERVICES" (§300.28)** means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with §§300.550-300.556.

TT. **"TRANSITION SERVICES" (§300.29)**

(a) *Transition services* means a coordinated set of activities for a student with a disability that—

(1) Is designed within an outcome-oriented process, that promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;
(2) Is based on the individual student's needs, taking into account the student's preferences and interests; and
(3) Includes—

(i) Instruction;
(ii) Related services;
(iii) Community experiences;
(iv) The development of employment and other post-school adult living objectives; and
(v) If appropriate, acquisition of daily living skills and functional vocational evaluation.

(b) Transition services for students with disabilities may be special education, if provided as specially designed instruction, or related services, if required to assist a student with a disability to benefit from special education.

UU. **"TRAUMATIC BRAIN INJURY" (§300.7(c)(12))** means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. The term applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. The term does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

VV. **"VISUAL IMPAIRMENT INCLUDING BLINDNESS" (§300.7(c)(13))** means an impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

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